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# Charlemagne and kingship :: the responsibility of absolute power/

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CHARLEMAGNE AND KINGSHIP:  
THE RESPONSIBILITY OF ABSOLUTE POWER

A Thesis Presented

by

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CHARLEMAGNE AND KINGSHIP:  
THE RESPONSIBILITY OF ABSOLUTE POWER

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## ACKNOWLEDGMENT

Charlemagne, in Epistola de Litteris Colendis, says of teachers:

Tales vero ad hoc opus viri eligantur, qui et voluntatem et possibilitatem discendi et desiderium habeant alios instruendi. Et hoc tantum ea intentione agatur, qua devotione a nobis praecipitur.

To Professor Dean Ware, teacher and friend, with gratitude.

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## INTRODUCTION

In any event, I would rather commit my story to writing, and hand it down to posterity in partnership with others, so to speak, than to suffer the most glorious life of this most excellent king, the greatest of all the princes of his day, and his illustrious deeds, hard for men of later times to imitate, to be wrapped in the darkness of oblivion.<sup>1</sup>

Einhard. The Life of Charlemagne

The figure of Charlemagne casts a long shadow over the whole of the Middle Ages and beyond. No other figure approaches him in impact and influence, and those who tried to do so followed his model. Charlemagne began his career as joint king of the Franks with his brother Carloman and ended it as master of all of Christian Europe in the West save Anglo-Saxon England and Ireland, the narrow strip of Italy still held by the Byzantine Empire, and Asturias in Spain. His empire stretched from the forests of northern Germany to the mountains of present-day Yugoslavia, from the English Channel to the Mediterranean Sea, from the Atlantic Ocean to the plains of eastern Europe. His diplomatic contacts extended as far as the Abbasid Empire in Mesopotamia. In the course of Charlemagne's reign, the political configuration of Europe changed beyond recognition. More importantly, Charlemagne transformed the social, cultural, economic and religious aspects of society as well.

The formation of medieval Europe resulted from the expression of an internal vitality too often dismissed or obscured by the persistent usage of the pejorative phrase "the dark ages." Far from being a



dark age, the early centuries of the medieval millennium were a dynamic and creative era that determined the pattern that prevailed for the rest of the Middle Ages - for a whole age in the life of western man. The collision of the Germanic with the Roman, and the Christian with both, produced cultural interminglings that left no aspect of life unchanged. To be sure, before Charlemagne the Germanic peoples of Europe passively absorbed the remnants of the world of classical antiquity they had helped to bring down, but the cross-fertilizations of diverse cultural strains imposed, of themselves, no new direction on society. It was Charlemagne who synthesized the most dynamic and vital elements in these varied cultural influences, turning society from what Richard Sullivan has called the "idle drifting of the 'dark ages'" to a conscious awareness of itself.<sup>2</sup>

The empire of Charlemagne was not a revival of the Roman Empire, nor was meant to be. His was a new creation, a multi-national state based on a commonality of religion, held together by the absolute power of its creator. When court poets spoke of Aachen as a "new Rome," it is well to remember that the operative word is "new." By the scope of his achievement, Charlemagne justly deserved to inherit Roman auctoritas, and his empire was perhaps a successor state to, but not a reincarnation of, Rome. In similar fashion, for example, the palace chapel at Aachen was not a copy of anything specific, even though its architectural forebears were Roman and Byzantine; it simply represented Charlemagne's idea of what a royal chapel should be.<sup>3</sup> The interior of the chapel carries the novelty of Charlemagne's creation further: Christ in



Majesty, depicted on the vault, looked down on his earthly counterpart, the king, and the king, in turn, looked down on his people below.<sup>4</sup>

Had Charlemagne wished to be a Roman emperor, he might easily have moved his capital to Rome. That he chose not to do so symbolized his awareness that he had created something new. He also, thereby, determined the course of western history by effectively establishing the North as the center of western European civilization.<sup>5</sup>

Such was Charlemagne's achievement that never before or since has so much of Europe come under the domination of a single mind and purpose. Central to Charlemagne's achievement was his concept of kingship and what he believed to be the power inherent in it. Charlemagne's appreciation of kingship and the portentous responsibilities he associated with it synthesized ideas of kingship derivative from his Germanic heritage, from the Roman concepts of auctoritas and potestas, imperium and Roman lex, and, from Christianity, a philosophy of God-given power and accountability, as well as a Christian sense of purpose. What followed from Charlemagne's synthesizing of these ideas was a degree of absolutism that subsequent kings in the West might aspire to but could never achieve, since, unlike them, Charlemagne truly dominated both Church and State.

Absolute power in itself, however, is not remarkable. One calls to mind the limitless power exercised by some Persian emperors and Egyptian pharaohs, synonymous with capricious government and gratuitous inhumanity. Charlemagne's uniqueness consists in self-imposed restraints on the exercise of his own power, restraints that he could

have lifted had he chosen. But he did not so choose, because his sense of power, however Germanic in origin, was clearly Christian in inspiration and universalist in perspective. Universalism derived in varying measure from both Roman law and the universal brotherhood of Christian souls. Europe and Christendom were identical in his mind. "He was a realist who governed his kingdom in an autonomous way, in which the Christian element in its Roman complexion played a vital role."<sup>6</sup>

As king, Charlemagne saw himself as God's deputy, father of his people, bearing responsibility for their welfare. Others might claim similar virtues, but lacked both sincerity of conviction and authority to give them substance. Charlemagne possessed both. The destiny of his subjects, of course, was the destiny of Christian souls, and responsibility for this destiny rested as much with Charlemagne as with the Church; more so, in fact, because if at the beginning of his reign, the Church had fallen into a profound lethargy, by the end of it Charlemagne dominated the Church and never ceased exhorting both churchmen and subjects to Christian behavior.

In any event, in their own conception of the via regia, churchmen themselves drew parallels between God and king. In the Carolingian era, moreover, the Church emphasized God the Father, almighty Ruler, King of heaven. Directly parallel, the Church perceived Christ in equally exalted form - not the suffering and crucified God who humbly accepted his fate, but Christ the Conqueror and Creator.<sup>7</sup> The earliest laudes regiae reflect the position of the Church: Rex regum, Christus vincit; Rex noster, Christus vincit.<sup>8</sup> The king and Christ held



corresponding positions within an overarching hierarchy and the laudes consciously evoked the parallel. Given these several identifications and the multiple cultural strains that combined both to confer and legitimize royal authority, it is evident how Charlemagne could perceive himself as leader of the unity that was western Christendom.

Charlemagne, thus, set himself the task of creating a state on the basis of Christian principles, as these were interpreted in a specific time and place, but derived in any case from Church fathers, both directly and indirectly. Immediately, he required educated men to execute his instructions; to have educated men he needed an agency to carry out his educational program. To what other institution could he have turned but the Church? But it would have to be a Church reformed, a Church capable of rendering such assistance. The need for literate administrators expressed only one part of a larger need, for Charlemagne required accountability from such administrators - accountability to him for the guidance they provided the Christian souls over whom they exercised authority in his name. The rule of law required that the legal system be responsive to the needs of all the people, and that the laws be universally applied. The economy, to the degree that one could deal with it given the constraints natural to an age succeeding centuries of fragmentation, required attention, and to this, too, Charlemagne addressed himself. Primary attention focused on the achievement of practical goals. Charlemagne, however, ably assisted by an international body of scholars, achieved many other things as well: the preservation of the heritage of classical antiquity, the revival of

learning, new forms in art and architecture, and the magnificent books copied in Carolingian minuscule and lavishly decorated.

The chapters that follow, accordingly, address each of these concerns. First kingship, central to the whole, from which all inspiration and creation flowed, a kingship unique in every way. Second, educational reform, upon which the practical realization of other reform depended. The chapters on administration, law and the economy further demonstrate that no aspect of daily life went unregulated in Charlemagne's search for order and harmony in society. In the process he created the foundation upon which western European civilization would be built. "It cannot be altogether accidental," writes Philippe Wolff, "that the old structure built up since the Middle Ages on Carolingian foundations should have emerged again in the mid-twentieth century as a practicable base on which to build a new Europe."<sup>9</sup>

It has been said that "the mutual interaction of intellectual ideals and social realities is arguably history's most abiding theme,"<sup>10</sup> and it is my hope that the sequel will show that Charlemagne succeeded in narrowing the gap between ideal and reality and that this accomplishment constitutes his most enduring legacy.



## NOTES TO THE INTRODUCTION

1. Einhard, The Life of Charlemagne, trans. Samuel Epes Turner, with a Foreword by Sidney Painter (Ann Arbor, 1960), preface.
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9. Philippe Wolff, The Awakening of Europe, trans. Anne Carter (Harmondsworth, 1968; reprint ed., 1985), p. 19.
10. Patrick Wormald, Foreword to Ideal and Reality in Frankish and Anglo-Saxon Society: Studies Presented to J. M. Wallace-Hadrill, ed. Patrick Wormald with Donald Bullough and Roger Collins (Oxford, 1983), p. xi. Wormald points out that Prof. Wallace-Hadrill never let students or friends forget this basic tenet.

## CHAPTER I

### KINGSHIP

Writing to Charlemagne in the year 798, Alcuin of York summed up the essence of the transformation of society from the Germanic to the medieval: "Populus iuxta sanctiones divinas ducendus est non sequendus; et ad testimonium personae magis eliguntur honeste. Nec audiendi qui solent dicere 'Vox populi, vox Dei,' cum tumultuositas vulgi semper insaniae proxima sit."<sup>1</sup> The people are to be led, not followed. The ascending order of Germanic society had been replaced by a descending, hierarchical order, in accordance with Christian cosmology and Roman practice. In the new medieval transformation of Germanic kingship, the king derived his power, not from the people, but from God. Despite this fundamental shift, however, the Germanic war-leader is still very much in evidence in the Christian king, up to and including Charlemagne's father, Pepin III. Charlemagne took the best elements from each conception and forged a new kind of kingship, providing a model for the rest of the Middle Ages, for Charlemagne was the first to understand the implications of the new power.

In traditional Germanic society, the king was not separate from the community. Rather, the king and the people together comprised the "folk," a Germanic conception, vague and ill-defined and permeated with religious significance.<sup>2</sup> The traditions of the "folk" were embodied in the law, ancient authority that could be interpreted but never created anew. Even as the expressed will of the king, law was thought nevertheless to arise through the people, for kingship itself arose from the



people and was one with the people under the law. The good fortune of the "folk" was governed by the relationship of the king to the deity, good fortune constituting evidence that the king, and thus also the people, enjoyed divine favor.<sup>3</sup> Moreover, the king's god was the people's god. The unitary nature of the community precluded religious pluralism.<sup>4</sup>

The sacral function of the Germanic king was more important than either his political or military functions, even though success in battle was both a prerequisite to kingship and a contingency upon which the sacral nature of kingship rested. Sacral aura, therefore, was partly, at least, a reflection of success, particularly as warrior. At any rate, such a king enjoyed absolute power and might pursue his ends using whatever means he desired as long as his efforts were attended by success.<sup>5</sup> A king who failed to bring good fortune to the "folk," however, either as warrior or in the exercise of some other function vital to the well-being of the community, had obviously experienced a fundamental failure bound up with his sacral nature.<sup>6</sup> This meant he could no longer serve as protector of the community since he had fallen out of divine favor. A king whose god had failed him was removed through what has been called "the Germanic right of resistance."<sup>7</sup>

Both the principles of heredity and election were brought with the migrating peoples into western Europe. Being of a specific blood-line conferred an inherent right to be considered for the kingship, while acclamation by the community conferred the title. In reality, the selection of king probably fluctuated between true election and simple recognition by the people.<sup>8</sup> At what point the power of the community

to elect its king freely underwent restriction of "king-worthiness" to a specific family is uncertain, but that it occurred is confirmed by linguistic evidence. Words for king that derived from the Indo-European stem rēg-s, to rule or protect, were supplanted with words denoting "of the kinship," as in the old Germanic cuning.<sup>9</sup>

The sacral nature of Germanic kingship expedited the acceptance of Christianity among the people. It was, after all, the god of the successful king who visited good fortune upon the people ruled by that king, and the people dutifully adopted the king's god as their own. The conversion of the people followed directly upon the king's conversion, to be sure nominally, but in the case of conversion to Christianity, ritual conversion undertaken by missionaries would not have been possible without the king's active cooperation.<sup>10</sup> The role of the king in the new religion was analogous to his position in the old. The sacral function of the Germanic king may have been altered by the Church to fit the needs of the new Christian society, but it remained the essential component of the definition of kingship. For some while, the king still served as the link between the deity and the people; only the source of his power had changed.<sup>11</sup>

Conversion of the Franks occurred under Clovis at the end of the fifth century, nearly three hundred years before Charlemagne came to the throne. As head of a loosely-knit Frankish confederation in Gaul, Clovis sought a way to consolidate his power.<sup>12</sup> The long decline of Roman imperial government fortuitously visited upon the bishops, more or less by default, what remained of authority.<sup>13</sup> Therefore, the Church



hierarchy, which mimicked the Roman, emerged from the process as the sole governmental agency still functioning in Gaul. Conversion gave Clovis allegiance of the bishops and control over whatever political structure they had maintained, and it gave him carte blanche to extend Merovingian power at the expense of the Arian Germans around him. As a result, Clovis built a kingdom that was never equalled by his dynastic successors.

To their ultimate misfortune, the Merovingians were more ambitious than far-sighted; and they remained tied to their Germanic past. Although Christian kings, they gave only nominal support to the repression of paganism among the people.<sup>14</sup> Additionally, they treated the Frankish Church as a national church, neglecting relations with Rome. Their kingship had been built on successful war leadership and wealth brought in by political expansion, but this base of power gradually eroded because of the dispersion of royal lands and treasure used to buy support among the growing numbers of magnates, and by repeated divisions of the kingdom as part of the family patrimony. The incessant, internecine warfare that characterized Merovingian kingship resulted in a steady, though uneven, decline in central authority, and power increasingly passed into the hands of the mayors of the palace, whose position originally entailed management of the king's household but which assumed political functions with the expansion of the kingdom.<sup>15</sup>

The rise of the Arnulfings - or Carolingians, as they came to be called after their most famous son - resulted as much from their astute political maneuverings as from the incompetence of the later

Merovingians. As mayors of the palace in Austrasia, one of the principal divisions of the Frankish kingdom, they were able to pursue a policy of patronizing the most important churches and monasteries, a policy that gave them a permanent base of power. Charles Martel's victory over the Moors near Poitiers in 733, and his newly-won control over the mayor's office in Neustria, assured the political and military ascendancy of his family.

Although nominal conversion of the Franks took place under Clovis, in point of fact the Carolingians presided over the systematic absorption of the Frankish kingdom into the Christian orbit.<sup>16</sup> By the reign of Pepin, all the dioceses and most of the abbacies of the kingdom were in Carolingian hands.<sup>17</sup> Charter evidence for the period suggests that "the last Merovingian royal charters only confirm privileges whilst those of the Arnulfings make new grants."<sup>18</sup> Their loss of power did not necessarily diminish the Merovingians in Frankish eyes; shadow kingship had some precedent in Germanic tradition. So long as the nation itself prospered and enjoyed military victories, all in the name of the king, divine favor had evidently not been lost.<sup>19</sup> That the Carolingians ruled de facto but not de jure for several decades before they finally claimed the throne suggests several things: that usurpation of the title of a living king was unusual; that the Germanic "right of resistance" was not taken lightly, and shadow kingship was preferable; and that the role of the people in the selection of kings was changing owing to Christian influence. Pepin undoubtedly had the support of important Franks, but he needed further justification for claiming the kingship.

In actual fact, the fall of the Merovingians and the accession of Pepin to the Frankish throne was not accomplished according to Germanic tradition, but with the intervention of the Church. Adherence to Germanic tradition was no longer enough; the world was changing and the Merovingians failed to change with it. When the papacy, menaced by the Lombards and unable to rely on the Byzantine emperor for military support, turned to the Franks for help, it had no use for a powerless dynasty. The compact arranged by Pepin and Pope Zacharias in their famous exchange of letters sealed the fate of the Merovingians, whose downfall can thus be seen in the same context as their ascendancy: the Church deserted them in 751 just as it had embraced them 250 years earlier.<sup>20</sup>

Given the sacral nature of Germanic kingship, the change from one ruling dynasty to another was an event of uncommon religious significance. Ritual acts attended the introduction of the new order. Long hair, emblematic of Merovingian kingship, vanished with the tonsuring of the last of the reges criniti. More importantly, however, to the old Germanic traditions of kingmaking was added a new Christian ritual - anointing. As Samuel had anointed Saul, so the popes now anointed the Frankish kings. Not only was the king elevated to a new status, however; so also the entire Frankish nation. The Franks became the new Israelites, the Chosen People of God, destined to lead western Europe into a world of the Church's making.<sup>21</sup>

Of all the Germanic peoples of western Europe, the Franks proved to be most receptive to the Romano-Christian cosmology. Part of this



susceptibility no doubt followed from extended exposure to the superior numbers of Gallo-Romans among whom they lived, part to the work of St. Boniface and others in the reorganization of the Frankish episcopate. It would seem, however, to be more likely the result of the "intellectual stagnation" that characterized Frankish lands throughout the first half of the eighth century.<sup>23</sup> There were no literary achievements worthy of mention, and the educational level of even the clergy was minimal. Certainly there was no cultural attainment to compare with that of the Visigoths in Spain or the Anglo-Saxons in Northumbria, Mercia and Kent. Christianity merged with Frankish national mythology and gave the Franks an ideology and a sense of purpose they had hitherto lacked. It also propelled them to the center of European affairs.

The transformation of Frankish society into Christian society in ideological terms signified the transformation of the Frankish people into the populus Dei - the Chosen People of God. If the beginnings of the new society can be traced to the agreement between Pepin and Pope Zacharias, nevertheless it is Charlemagne who realized the implications of that agreement. Charlemagne alone grasped the meaning of rex gratia Dei: God had chosen him to rule. It was no longer the role of the people to choose, but merely to obey.<sup>24</sup> Pepin had needed the assistance of the Church and the consent of Frankish magnates to seize power. Charlemagne needed neither help nor consent to maintain it. He regarded his actions, both inside and outside the kingdom, as part of a divinely-given mission. Charlemagne's reign represents "the first conscious effort to shape the character of society on ideological grounds" in the

West.<sup>25</sup> The merging of the aims of Church and State transformed not only society, but kingship as well.

Charlemagne may have accepted the role that the Church assigned to him, but he enlarged that role to a greater extent than the Church would have wished. In Charlemagne's mind, and in good Germanic tradition, there was no separation between temporal and ecclesiastical power. This is evident in the Capitulare Generale, issued scarcely a year after he came to power, and it is echoed in almost every promulgation that bears his name.<sup>26</sup> Charlemagne's conviction of the unlimited nature of his power is clearly evident in a letter to Pope Leo III.

My task, assisted by the divine piety, is everywhere to defend the Church of Christ - abroad, by arms, against pagan incursions and the devastations of such as break faith; at home, by protecting the Church in the spreading of the Catholic faith. Your task, holy father, is to raise your hands to God like Moses to ensure the victory of our arms.<sup>27</sup>

Although the context of the letter is obviously Christian, the tone of royal authority embedded in it is not. There is not the slightest hint that Charlemagne owes obedience even to the pope, rather the reverse. The letter is clearly from master to subordinate.

The second half of the letter, however, is Christian in both tone and intent and shows to what a remarkable extent Charlemagne integrated Germanic and Christian precepts into his kingship.

Helped thus by your prayers to God, ruler and giver of all, the populus christianus may always and everywhere have the victory over the enemies of his holy name, and the name of Our Lord Jesus Christ resound throughout the world. May your prudence adhere in every respect to what is laid down in the canons and ever follow the rules of the holy fathers. Let the sanctity of your life and words be a shining example to all men.<sup>28</sup>

The efforts of both king and pope are directed toward the same goal - the

well-being of the populus christianus. This letter tells us the essence of Charlemagne's kingship and what most distinguishes it from others: absolute power, to be sure; but, additionally, the conviction that power implies responsibility. Charlemagne's power is limited only by his own sense of accountability to God for its proper exercise. No one imposed this notion on Charlemagne; that much is obvious from the strength of his conviction. To find the antecedents for the vigorous Christian elements in this extraordinary synthesis, it is necessary to look to the Christian traditions that Charlemagne inherited.

Doubtless the strongest influence on Charlemagne, if not the most immediate, was St. Augustine, for Charlemagne's Christianity was essentially Augustinian, however transmitted, and the channels of influence were diverse, as the sequel will show. Moreover, Augustinian concepts, both political and religious, were the seminal influence on Charlemagne's perception of kingship. Einhard tells us that The City of God was Charlemagne's favorite book.<sup>29</sup> His own kingdom was to reflect Augustine's ideals.

Augustine and Charlemagne stood, respectively, at the beginning and at the ending of an age. Augustine saw darkness descending and attempted to create a Christian world-system of order and purpose that would survive the difficult times ahead. Charlemagne, nearly four centuries later, sought to dispel the darkness, to bring an end to disorder, by realizing the Christian society Augustine envisioned. He was remarkably suited by temperament, background, and by conviction to embark on what was certainly an ambitious undertaking. Given the conditions of his



time and place, what Charlemagne contemplated, from the very beginning of his reign, was nothing short of "social revolution."

Charlemagne's program for the transformation of society into the imperium christianum embraced many of Augustine's ideas. Fundamental to all of them (and these came not only from Augustine, but from other Church fathers as well as from Scripture), was the bedrock metaphysical belief that ultimate reality existed in the Christian God, God the Creator and God the Father, who showed his purpose (perhaps somewhat ambiguously) in the passion of Christ.<sup>30</sup> More practicably, Charlemagne embraced Augustine's vision that history was Christian; that it was purposive, guided, however obscurely at times, by the hand of God; and, that history was universal, embracing, ultimately, all mankind.<sup>31</sup>

These fundamentals underlay Charlemagne's own conception of his role in the universal, Christian drama. He could and did conceive of the Franks as the Chosen People whose mission was to save Christianity, for he believed that only in the western Church was orthodoxy upheld. His empire was not a territory but a people, the populus christianus, and therefore identical to Christianity itself.<sup>32</sup> Conversion and conquest went hand in hand precisely because the empire must be Christian. Enlarging the empire, and converting pagan populations, quite literally extended Christianity over more of humanity. The logic for expansion, conversion and control followed from Augustine's view of history.<sup>33</sup>

In Charlemagne's view, therefore, the Franks had a staggering destiny. As king of the Franks, Charlemagne was responsible for guiding that divinely-given destiny. His task required that he assume absolute

power over both Church and State. Though such power was Germanic in conception, Charlemagne could find justification for it in Augustine as well. Who better than Augustine, with barbarians at the gates, could appreciate the need for potent authority amidst disorder, who could appreciate that in the world after the Fall, men were corrupt and prone to disorder and needed the stern discipline of law and authority.<sup>34</sup>

A Germanic king was not only absolute; his kingship possessed something of the divine through the Germanic conception of the sacral aura surrounding kingship. A Christian king with a Germanic heritage, one, moreover, inspired by Augustine's Christian view of history, could easily see himself as divinely appointed, as God's deputy with the responsibility of pressing forward toward the realization of the universal Christian empire. Charlemagne clearly viewed himself in this light. His conception of his unlimited power, therefore, flowed from diverse sources but easily harmonized with Christian authorities.

Girded with such authority and bent on great purpose, Charlemagne expected obedience and fidelity from his people. He required of them oaths of fidelity - religious covenants, and therefore binding.<sup>35</sup> Infidelity was severely punished. Moreover, according to Augustine, even "bad" rulers must be obeyed, for what appears to be evil may not in fact be evil, and, in any event, all proceeds according to God's plan, however obscure this may appear. (Clearly, Augustine's desire for order added somewhat to Scripture.) This line of reasoning was accepted without question by Christians after Augustine. Paul the Deacon, one of the most important figures of the Carolingian Renaissance, could easily

embrace Charlemagne as the savior of Christendom even though Charlemagne had conquered Paul's people, the Lombards. For Paul was able to see the subjugation of the Lombards as necessary, because Charlemagne was implementing God's plan.<sup>36</sup> As Augustine wrote, "If God's reasons are inscrutable, does that mean that they are unjust?"<sup>37</sup> Finally, Charlemagne's insistence on obedience and fidelity sprang in his mind from the special authority he derived from God, for it was this that made his people subjecti. At the same time, he was aware that he was one with his subjects in a community of belief.<sup>38</sup>

If Augustine could provide support for absolute rulership, he could also interpose conditions, at least applicable to the ideal. According to Augustine, the ideal ruler concerns himself with the welfare of his people, and Augustine's imperator felix is very much in evidence in Charlemagne's conception of his responsibilities.<sup>39</sup> As his reign lengthened, Charlemagne became more and more aware of his responsibilities before God. His leadership of the imperium christianum, already established, was merely reinforced by the coronation in 800, for the imperial title carried no real power with it, merely prestige and an enhanced obligation to protect the papacy. Charlemagne already saw himself as the designated holder of a universal power that had to be exercised to protect the Church and to promote the Christian religion. As well, he was acutely aware of his role as protector of those who could not protect themselves, such as widows, orphans and the poor. Numerous capitularies mention Charlemagne's concern for the miserabiles personae whose care was entrusted to him by God. However, Charlemagne



assumed responsibility for the proper behavior as well as the welfare of his people. In effect, he was answerable for the acts and attitudes of his subjects as well as his own. This responsibility was most keenly felt regarding the officials, both secular and ecclesiastical, who exercised authority in his name.<sup>40</sup> From this conviction arose a clearer view of the contrast between what was and what ought to be in his realm.

Accordingly, Charlemagne touched on matters not usually the concern of men in highest authority. In numerous capitularies he exhorted the people to attend to their Christian duties and to do good works, as well as to lead moral lives pleasing to God. Augustine had said that if one love God, order and harmony are introduced into every aspect of one's life. Virtue, as "the order of love," thus merges into a religious responsibility. Even peace can be attained if one sufficiently love God, and ills of every kind lose their importance if one completely accepts God's will.<sup>41</sup> In the absence of this kind of behavior, disorder will trouble society. To Charlemagne, who was God's deputy on earth, the task was clear: his was the responsibility for enjoining the people to follow Augustine's precepts. Nothing less than salvation, his own and that of his people, depended on it.<sup>42</sup>

As a champion of orthodoxy, Augustine wrote some of his most important treatises against the popular heresies of his day. Charlemagne also was a champion of orthodoxy, necessarily so, and in his epitaph he is hailed as "the great and orthodox emperor."<sup>43</sup> Like Augustine, therefore, Charlemagne was a great enemy of heresy, for in his imperium christianum heresy threatened the State as well as the

Church. The two great heresies of Charlemagne's reign arose in the 780's and both were ultimately dealt with at the Synod of Frankfurt in 794. Adoptionism, which alleged that Christ in his human form was the "adopted" son of the Father, began in Spain and spread to Septimania in the Carolingian kingdom. Its two protagonists, Archbishop Elipandus of Toledo and Bishop Felix of Urgel, resisted the combined authority of Charlemagne and the pope for some time; eventually Elipandus died and Felix submitted. The position of Charlemagne and Frankish churchmen - and therefore the position of the Church in the West - was contained in a treatise written by Alcuin called Contra Felicem.<sup>44</sup>

The second heresy of Charlemagne's reign, arising out of the Byzantine refutation of Iconoclasm at the Council of Nicaea in 787, was a perceived heresy rather than a real one. The translation of the council's proceedings that reached Francia from Pope Hadrian contained inaccuracies and was misinterpreted by Frankish churchmen to mean that the council advocated the worship of icons (or idols). Charlemagne, to be sure, had been against Iconoclasm, for Gregory the Great had advocated pictures in churches for ornamental as well as didactic purposes. However, the worship of these representations was quite another matter. Again, the official position of the Frankish (and therefore western) Church was published in a famous treatise, the Libri Carolini, written substantially by Theodulf of Orleans.<sup>45</sup> The formal condemnation of the Council of Nicaea that issued from the Council of Frankfurt proved to be the crucial step toward the ultimate schism between the eastern and western Churches.

The thought of St. Augustine was transmitted and given practical applications through the work of Gregory the Great, who began the process of reestablishing the universalism of the Roman Church in western Europe.<sup>46</sup> Perceiving that the position of the papacy as supreme head of the Christian Church was a tenuous one because of the shift of the center of the Empire to Constantinople, Gregory determined on creating a base of power in the West. He also determined that, in the absence of orderly secular government, it was the duty of the Church to assume responsibility for the moral and physical, as well as the spiritual, well-being of the people. Gregory was, in fact, the architect of the social role of the Church, which he viewed as necessary if the Church were to carry out its primary duty of saving souls.

Gregory sought to implement his plans through a program of conversion of the barbarians and organization of the churches already in existence in the West. For this formidable task he needed capable and educated men, in short, Benedictine monks. Gregory was a great admirer of St. Benedict, whom he viewed as the ideal ascetic and teacher and whose life he wrote.<sup>47</sup> Benedict envisioned a useful role for his monks, a position that dovetailed with Gregory's own commitment to a social role for the Church. The monks were sent out across Europe to establish centers from which to carry on their work, a task that had already been initiated by Irish monks coming from the other direction. Gregory's decision to convert Anglo-Saxon England directly from Rome added Anglo-Saxon monks to the missionary armies and eventually led to the Synod of Whitby in 664, which brought Celtic monasticism into the Roman fold.



Expanding on Augustinian precepts, Gregory defined the Church's pastoral mission in Liber Regulae Pastoralis, which, in addition to stressing the educational and homiletic duties of the secular clergy, underlined the supervisory nature of their mission in matters both religious and moral. This book became for the secular clergy what the Rule of St. Benedict was to the regular clergy. Additionally, Gregory's recognition that kings were essential to the process of conversion forged the coalition between Church and State in the sphere of religion.<sup>48</sup>

Gregory's mission to establish the universality of the Roman Church was completed by Charlemagne, who not only extended the boundaries of Christian Europe but standardized religious practices as well. Church liturgy, sermons, order of the mass, chanting (Gregorian!), Scripture and canon law were all given definitive form under Charlemagne. (It is ironic, and illuminates the nature of Charlemagne's power, that a secular and not a religious leader should impose unity on the Church.) As well, Charlemagne's reform program created an educated and capable clergy, and his insistence on the Benedictine Rule in all monasteries in the realm allowed it to supersede all others in Europe.<sup>49</sup> The supervisory duties of the clergy, as outlined by Gregory, are especially evident in the role assigned to parish priests in the Carolingian parochial system.<sup>50</sup>

Charlemagne made conversion a matter of state policy, thereby taking Gregory's definition of the role of the king in that process to its logical conclusion. He extended Gregory's pastoral message to include king as well as churchmen and made the State once again responsible for the welfare of the people. Due to Charlemagne's efforts, the

collaboration of Church and State envisioned by Gregory became a permanent partnership, and Christian orthodoxy reigned supreme in western Europe.

Another Church father who substantially influenced Charlemagne's conception of kingship was the Venerable Bede, in the main because Alcuin acknowledged Bede as a principal source in his own intellectual development, and Alcuin, in turn, would directly and forcefully influence Charlemagne. However, copies of Bede's work circulated on the continent long before Alcuin's arrival, and an independent line of influence carrying Bede's ideas and the Northumbrian tradition of learning came to Francia first through St. Boniface.<sup>51</sup> Parenthetically, one might note that both Boniface and Bede, in turn, owed much to Gregory's reform program,<sup>52</sup> and so Gregory's influence proceeded through intermediaries to Charlemagne at a crucial moment in the fortunes of Europe. Clearly, multiple layers of influence combined to apprise Charlemagne of the most potent forces of change within the Church itself, most of it critical of existing conditions, and all of it urging reform.

Bede figured among those who sought reform not only of Church but of secular society as well, doubtless reinforcing Charlemagne's own sense that Church, State and society in very nearly every element needed improvement. Like Augustine and Gregory, Bede acknowledged the necessity of involving secular as well as ecclesiastical authority in carrying out reform. Also like Augustine, Bede shared the conviction that the people required spiritual leadership reinforced by secular authority, or they would surely go astray, had, in fact, already strayed.<sup>53</sup> Bede's voice

is thus added to those who have already stressed that education is the key to reform.

Bede's influence is evident as early as 769 in the Capitulare Generale, in which Charlemagne began the process of educational reform, notably urging the importance of sermons supporting such reform. Bede, like Gregory, did not confine preaching to a religious context; it concerned as well the conversion of pagans and the promotion of both moral well-being and theological understanding among the people. Reflecting the Northumbrian tradition of learning, Bede viewed doctores et praedicatores as the successors of the apostles and prophets, with a duty to preserve and transmit the Church's intellectual heritage. They guided the people and protected them from heresy, important tasks that required men of superior education and intellect. Their own behavior should be carefully regulated in order that they might set an example for the people.<sup>54</sup> To see that this work was done, more priests should be ordained, more teachers educated, and, in accordance with Gregory's plans, more sees created. All of these echo resoundingly in Charlemagne's reform program.

Doubtless influenced by Augustine's disapproval of ascetic withdrawal from society among eremitical orders, a view shared also by Gregory, Bede advocated an active role on the part of monasteries in helping to carry out reform. Charlemagne would adopt similar ideas relative to the potential of monasteries for effecting desired changes in society. In a line of influence extending from Augustine through Benedict and Gregory, Bede, and later Alcuin, a consensus emerged



condemning extreme asceticism and the solitary life as serving no useful function in society. If the saints excluded themselves from society, Augustine reasoned, how could the city of God either come into being, flourish or attain its proper destiny?<sup>55</sup> Accordingly, monks were destined to perform useful service in society, to stand in the forefront of education, both spiritual and secular. Charlemagne fully shared in this attitude.

Bede interpreted the history of his people in Old Testament terms, much like it was interpreted for the Franks. He saw the English nation as the populus Dei, and, alive to political realities, assigned special duties to kings. The Ecclesiastical History is dedicated to a king. Bede knew that the Church could not accomplish its task without kings, following the example established by Gregory in his instructions to Augustine (of Canterbury) concerning the conversion of the people of Kent.<sup>56</sup> As noted earlier, in Germanic tradition, the king's god was the people's god; therefore, the people's conversion followed the king's conversion.

Of central importance to Bede's influence on Charlemagne's conception of kingship was his interpretation of royal power. He clearly is an advocate of strong kings, for he much admires kings who are successful warriors and extend the boundaries of the kingdom (in Bede's case, of course, Northumbria). These exemplary kings had naturally first become Christian and submitted to the Church's teachings, and their victories could be interpreted as Christian victories.<sup>57</sup> Bede stresses the military aspect of kingship, as reflected in his positive

enmity toward "false monasteries" that were not doing their job and therefore were socially useless, and, worse, deprived the kingdom of land which could be utilized to support fighting men.<sup>58</sup> The sequel concerning Alcuin's influence will show just how ideal a king in the Bedan conception Charlemagne became.

A precedent for Charlemagne's union of Church and State into one system of government may also have followed from Bede's conviction that the temporal and spiritual aspects of the decline of the English people were interdependent.<sup>59</sup> Bede's impulse toward reform of the English Church and English society was predicated on this conviction. Reform, however, could only be carried out by an instructed king and aristocracy, a revitalized episcopate and, above all, a reformed monasticism, all working together. Francia suffered many of the same ills at the accession of Charlemagne, who proceeded to fulfill all of the reforms first outlined by Bede.

Enough has already been said about the multiple influences of Church fathers, both in general and in their specific influences upon Alcuin, that no more than a reminder is needed here. Alcuin, suffice to say, was the heir of Bede and Gregory, of Benedict and Augustine, and although Charlemagne was influenced by the same thinkers, Alcuin certainly figures as the most significant personality in bringing this rich heritage directly to bear on Charlemagne. Alcuin, however, was not merely a transmitter, but an active force in his own right who added important ideas to the traditions he inherited.

The unique relationship of Charlemagne and Alcuin was not

limited to educational and religious concerns, in which Alcuin's significant influence and his many contributions are obvious. Less readily apparent, but no less significant, is Alcuin's impact on Charlemagne's conception of kingship. Charlemagne succeeded to most of his notions about kingship before ever Alcuin arrived in Francia, again, through the influences we have traced and through the contribution of his own intellect; but these notions were reinforced and expanded under Alcuin's influence. Alcuin found in Charlemagne very nearly the living embodiment of his own ideal of Christian kingship, and together they interacted to attain that ideal, to the benefit of the populus christianus.<sup>60</sup>

For precisely these reasons, Alcuin was not obliged to explain the duties of a Christian king to Charlemagne; he already was aware of them and in fact had put them into practice. In effect, Alcuin had no reason to write a Mirror of Princes, because Charlemagne functioned the way he was supposed to without requiring instruction.<sup>61</sup> In similar fashion, there need be no limit to Charlemagne's power because he could be expected to exercise it properly. Alcuin could, however, put his and Charlemagne's definition of kingship into words, which he does with some eloquence:

It is to govern the realms, dispense justice, renew the churches, correct the people, guarantee their rights to all people and all ranks, to defend the oppressed, to give laws, to comfort pilgrims, to show to all and in all places the way of justice and of heavenly life, so that all may be comforted by your holy coming....<sup>62</sup>

And further:

Happy is the nation, said the Psalmist, whose lord is God, happy the people raised up by a leader and upheld by a preacher of the



faith whose right hand wields the sword of triumph, whose mouth sounds the trumpet of catholic truth.<sup>63</sup>

Alcuin accepted without question the role of the Franks as the Chosen People, destined to save Christian society in the West, precisely because Charlemagne was their king. Having accepted the Frankish national mythology, therefore, Alcuin acknowledged that Charlemagne enjoyed a unique position over all other rulers from the start. In point of fact, Alcuin sees it as his duty to make sure that Charlemagne understands just how important his kingship is, that he has been chosen by God for a special task - to lead all Christian people to salvation. Expanding on Charlemagne's role as king of the Franks, Alcuin succeeded in amplifying it to one of universal application.<sup>64</sup> He took the Frankish mythology and established it within a larger context - not heightening Charlemagne's own conception of power, but rather broadening it. There is a noticeable increase in intensity and urgency in Charlemagne's proclamations after Alcuin has been in Francia a few years, a heightened sense of Christian mission that was less apparent, though hardly lacking, before.

If Charlemagne has been chosen for a special destiny, his power must be special as well. In fact, his powers are unlimited, both inside and outside the realm. Within the imperium christianum Charlemagne is dux et doctor, leader and teacher, as well as example to his people, all of whom are Christian. But Charlemagne has power outside the kingdom as well, where all are potential Christians, and it is his duty to bring them into the imperium, by fire and sword if necessary.<sup>65</sup>

Alcuin thus goes considerably beyond all the others in his

definition of royal power, specifically in the hands of Charlemagne. For example, according to Bede, the same Oswald who is rex christianissimus because he is a great warrior and has brought England under his control can also play a subordinate role to Bishop Aidan in the process of conversion.<sup>66</sup> Such a role is unthinkable for Charlemagne, who is himself teacher and preacher as well as king. Alcuin's Old Testament imagery is as rich as Bede's. Charlemagne is not only David, the great warrior king; he is cast, as well, in the likeness of the Isrealite king Josiah, who assumed a religious as well as secular role among his people.<sup>67</sup> The sacral aura is obvious. For Charlemagne and Alcuin, there is no distinction between temporal and religious power. The earthly king is a reflection of the heavenly king, and so long as royal power is wielded on God's authority and for God's purposes, it is absolute. Both the authority and responsibility of kingship, then, were firmly in Charlemagne's mind from the beginning, but it was under Alcuin's tutelage that they took on added dimensions.

## NOTES TO CHAPTER I

1. Letter of Alcuin, Epistolae Karolini aevi, ed. Ernst Duemmler, Monumenta Germaniae Historica [hereafter cited as MGH], Epistolae in Quarto, vol. 4 (Berlin, 1895), no. 199.

2. The subject of Germanic tribal society and kingship is a difficult and often controversial topic about which no discernible consensus exists among scholars. The period under consideration is long and the peoples diverse; evidence is often gleaned indirectly through folklore, place names, literary works, and from linguistic and archaeological studies. Conditions changed through time and across geographical borders. The description in this paper is a reasonable representation of general conditions. The starting point for research in this topic is Tacitus' Germania, although his motives, and therefore his conclusions, are suspect, and there is no evidence that he ever observed the Germans firsthand. Tacitus, Complete Works, ed. Moses Hadas, trans. Alfred John Church and William Jackson Brodribb, The Modern Library (New York, 1942). Excellent studies on early Germanic society and kingship are: Fritz Kern, Gottesgnadentum und Widerstandsrecht im früheren Mittelalter: zur Entwicklungsgeschichte der Monarchie, 4th ed. (Darmstadt, 1967); Reinhard Schneider, Königswahl und Königserhebung im Frühmittelalter: Untersuchungen zur Herrschaftsnachfolge bei den Langobarden und Merowingern (Stuttgart, 1972); William A. Chaney, The Cult of Kingship in Anglo-Saxon England: The Transition from Paganism to Christianity (Berkeley, 1970); Daniel A. Binchey, Celtic and Anglo-Saxon Kingship (Oxford, 1970); Patrick Wormald, "Celtic and Anglo-Saxon Kingship: Some Further Thoughts," in Studies in Anglo-Saxon Culture, ed. Paul Szarmach with Virginia Darrow Oggins (Kalamazoo, 1986), pp. 151-83. See also J. M. Wallace-Hadrill, Early Germanic Kingship in England and on the Continent (Oxford, 1971; reprint ed., 1980), pp. 7-20; Fritz Kern, Kingship and Law in the Middle Ages, trans. and with an Introduction by S. B. Chrimes (Oxford, 1939; reprint ed., 1948), Part 2: Law and Constitution in the Middle Ages, pp. 149-59; M. J. Swenton, Crisis and Development in Germanic Society 700-800: Beowulf and the Burden of Kingship (Göppingen, 1982), pp. 12-22; David Harry Miller, "Sacral Kingship, Biblical Kingship, and the Elevation of Pepin the Short," in Religion, Culture, and Society in the Early Middle Ages: Studies in Honor of Richard E. Sullivan, ed. Thomas F. X. Noble and John J. Contreni (Kalamazoo, 1987), pp. 131-54.

3. Kern, Gottesgnadentum und Widerstandsrecht, p. 16.

4. Chaney, Cult of Kingship, pp. 2-3.

5. Kern, Gottesgnadentum und Widerstandsrecht, pp. 16-18; Chaney, Cult of Kingship, pp. 86-120.

6. Ibid., p. 72; Binchey, Celtic and Anglo-Saxon Kingship, p. 9;



Swenton, Crisis and Development, p. 3; Wallace-Hadrill, Early Germanic Kingship, p. 16; Hans Hubert Anton, Fürstenspiegel und Herrscherethos in der Karolingerzeit (Bonn, 1968), p. 90.

7. Kern, Gottesgnadentum und Widerstandsrecht, pp. 4-5; Walter Ullmann, The Carolingian Renaissance and the Idea of Kingship (London, 1969), p. 67; J. M. Wallace-Hadrill, The Long Haired Kings (London, 1962; reprint ed., Toronto, 1982), p. 247.

8. Kern, Gottesgnadentum und Widerstandsrecht, pp. 13-15.

9. Binchey, Celtic and Anglo-Saxon Kingship, p. 4; Wallace-Hadrill, Early Germanic Kingship, pp. 2-3; Peter Hunter Blair, An Introduction to Anglo-Saxon England (Cambridge, 1956; reprint ed., 1962), p. 195.

10. Chaney, Cult of Kingship, pp. 156, 172; Wallace-Hadrill, Early Germanic Kingship, pp. 91, 99. See also Bede's description of the conversion of Kent and the role of Aethelberht, especially in the light of Pope Gregory's letters. Bede, Ecclesiastical History of the English People, ed. and with an Introduction by Bertram Colgrave and R. A. B. Mynors (Oxford, 1969), bk. 1, chs. 25-32.

11. Wallace-Hadrill, Early Germanic Kingship, p. 105, points out that a bit of paganism creeps into Alcuin's description of Charlemagne's proper exercise of kingly duties, which will bring good fortune to his people.

12. Clovis' baptism is described in Gregory of Tours, The History of the Franks, trans. and with an Introduction by O. M. Dalton, 2 vols. (Oxford, 1927; reprint ed., London, 1967), bk. 2, chs. 30-31, and in Fredegar, Fredegarii et aliorum chronica, ed. B. Krusch, MGH, Scriptores rerum Merovingicarum, vol. 2 (Hannover, 1888), bk. 3, ch. 16. For a general description of the period, see Wallace-Hadrill, Long Haired Kings, pp. 169-72, and Patrick J. Geary, Before France and Germany: The Creation and Transformation of the Merovingian World (Oxford, 1988), pp. 84-95.

13. J. M. Wallace-Hadrill, The Barbarian West: The Early Middle Ages A.D. 400-1000, 2nd rev. ed. (London, 1962; reprint ed., New York, 1962), pp. 28-30. Wallace-Hadrill describes the importance of the bishops as leaders of resistance to the barbarians.

14. Miller, "Sacral Kingship", in Noble and Contreni, eds., Religion, Culture, and Society, p. 135.

15. Geary, Before France and Germany, pp. 180-218.

16. Miller, "Sacral Kingship", in Noble and Contreni, eds., Religion, Culture, and Society, p. 131; Bullough, Age of Charlemagne,

pp. 129-130.

17. Heinrich Fichtenau, The Carolingian Empire: The Age of Charlemagne, trans. Peter Munz (Oxford, 1957; reprint ed., New York, 1964), p. 129.

18. David Ganz, "Bureaucratic Shorthand and Merovingian Learning," in Wormald, ed., Ideal and Reality, pp. 63-65.

19. Swenton, Crisis and Development, p. 16. The author points out that people fight for victory rather than for the king, although they generally show humility before the source of power, be it "folk" (as the Merovingian king in his oxcart) or God. See also Edward Peters, The Shadow King: "Rex Inutilis" in Medieval Law and Literature 751-1327 (New Haven, 1970), pp. 47-55.

20. Royal Frankish Annals, sub anno 749, and Annales Lauris-senses minores, sub anno 750, in Annales et chronica aevi Carolini, ed. G. H. Pertz, MGH, Scriptores in Folio, vol. 1 (Hannover, 1826). On the association of a religious ceremony with kingmaking, see Bullough, Age of Charlemagne, p. 31; Wallace-Hadrill, Early Germanic Kingship, p. 100.

21. Ullmann, Carolingian Renaissance, pp. 21-23; Wallace-Hadrill, Frankish Church, p. 166, and Early Germanic Kingship, pp. 99-100.

22. Wilhelm Levison, England and the Continent in the Eighth Century (Oxford, 1946), pp. 78-93, for Boniface and the reform of the Frankish Church.

23. Ibid., pp. 130-31; Wolff, Awakening of Europe, p. 27; M. L. W. Laistner, Thought and Letters in Western Europe A. D. 500 to 900, 2nd ed. (London, 1957; reprint ed., Ithaca, 1976), p. 191; Jacques Boussard, The Civilization of Charlemagne, trans. Frances Partridge, World University Library (London, 1968; reprint ed., New York, n.d.), pp. 120-21; Ullmann, Carolingian Renaissance, p. 2.

24. Wallace-Hadrill, Early Germanic Kingship, p. 101.

25. Ullmann, Carolingian Renaissance, p. 7.

26. Capitularia regum Francorum, ed. G. H. Pertz, MGH Leges in Folio, vol. 1 (Hannover, 1835), no. 19, pp. 33-34.

27. Epistolae Karolini aevi, MGH Epistolae in Quarto, vol. 4, no. 93, trans. in Wallace-Hadrill, Frankish Church, p. 186.

28. Ibid.

29. Einhardi Vita Karoli Magni, ed. O. Holder-Egger, 6th ed., MGH, Scriptores rerum Germanicarum in usum scholarum separatim editi,



vol. 25 (Hannover, 1911; reprint ed., 1947), ch. 24.

30. W. T. Jones, The Medieval Mind, A History of Western Philosophy, vol. 2, 2nd ed. (New York, 1969), pp. 83-94.

31. This philosophy underlies Augustine, The City of God, trans. Henry Bettenson (Harmondsworth, 1972; reprint ed., 1986); see also Jones, Medieval Mind, pp. 134-36.

32. Bullough, Age of Charlemagne, p. 162, points out that the message in the Libri Carolini, written against Byzantine iconodulism, is that it is the duty of the Roman (western) Church, whose doctrine is de facto defined by Charlemagne, to maintain the orthodoxy and unity of the faith. See also Ullmann, History of Political Thought, p. 69. Ullmann says that the empire was conceived almost wholly in religious terms, the political manifestation of the city of God.

33. See Charlemagne's letter to Leo in Epistolae Karolini aevi, MGH Epistolae in Quarto, vol. 4, no. 93.

34. Jones, Medieval Mind, pp. 120-25.

35. Charles E. Odegard, "The Concept of Royal Power in Carolingian Oaths of Fidelity," Speculum 20 (1945):279-289; Wallace-Hadrill, Early Germanic Kingship, p. 107; Bullough, Age of Charlemagne, pp. 95-96; Boussard, Civilization of Charlemagne, pp. 38-39.

36. Wallace-Hadrill, Frankish Church, p. 201.

37. Augustine, City of God, bk. 5, ch. 21.

38. Wallace-Hadrill, Early Germanic Kingship, p. 104.

39. Augustine, City of God, bk. 5, ch. 24.

40. These concerns are touched on in almost every capitulary, but are especially strong in Admonitio Generalis (789), Capitulary of Frankfurt (794), Capitulary of Aachen (802), Capitulary of Thionville (805). MGH Capitularia, no. 30, pp. 53-67; no. 34, pp. 71-75; no. 43, pp. 90-96; no. 71, pp. 131-35.

41. Ibid., De Litteris Colendis, no. 29, pp. 52-53. While reminding people of their Christian duties, Charlemagne stresses the need for education as well. Knowledge must precede good works, he says. For Augustine's "order of love," Jones, Medieval Mind, p. 104.

42. Wallace-Hadrill, Frankish Church, p. 190.

43. MGH Einhardi Vita Karoli Magni, ch. 31.



44. Wallace-Hadrill, Frankish Church, pp. 209-10; Bullough, Age of Charlemagne, p. 112; Laistner, Thought and Letters, pp. 286-88; Boussard, Civilization of Charlemagne, pp. 138-39.

45. Concilia aevi Karolini Supplementa: Libri Carolini, ed. H. Bastgen, MGH, Legum Sectio III, vol. 2, part 2 (Hannover, 1924). Also see Luitpold Wallach, Diplomatic Studies in Latin and Greek Documents from the Carolingian Age (Ithaca, 1977), pp. 1-287, for the proceedings of the Council of Nicaea as well as an exhaustive textual study of the Libri, claiming Alcuin as its author. The case for the authorship of Theodulf, accepted by most scholars, is presented by Ann Freeman, "Further Studies in the Libri Carolini," Speculum 40 (1965):203-89.

46. F. Homes Dudden, Gregory the Great: His Place in History and Thought, 2 vols. (London, 1905; reprint ed., New York, 1967), 1: 357-476, for his role as patriarch of the West; Walter Ullmann, The Growth of Papal Government in the Middle Ages, 2nd ed. (London, 1962; reprint ed., 1965), pp. 36-43. Also see R. A. Markus, "Gregory the Great and a Papal Missionary Strategy," in Studies in Church History 6: Propagation of the Faith (Cambridge, 1970) pp. 29-38. For Gregory and Francia, see Wallace-Hadrill, Frankish Church, pp. 114-18.

47. Gregory I, Pope, Dialogues, Book Two: Saint Benedict, trans. and with an Introduction by Myra L. Uhlfelder (Indianapolis, 1967). For Gregory and monasticism, see Dudden, Gregory the Great, 1:160-200.

48. Laistner, Thought and Letters, pp. 103-11.

49. MGH Capitularia, no. 34, pp. 71-75; no. 43, pp. 90-96, among others.

50. Ibid., Admonitio Generalis, no. 30, pp. 53-67. See also Ullmann, Carolingian Renaissance, pp. 40-41.

51. Alan Thacker, "Bede's Ideal of Reform," in Wormald, ed., Ideal and Reality, p. 153.

52. M. L. W. Laistner, The Intellectual History of the Early Middle Ages, ed. Chester G. Starr (Ithaca, 1957; reprint ed., 1983), pp. 129-33, stresses Bede's indebtedness to both Augustine and Gregory.

53. Venerabilis Bedae Opera Historica, ed. and with an Introduction by Charles Plummer (Oxford, 1896; reprint ed., 1946), pp. 405-23, letter to Egbert.

54. These themes resound in most of Bede's works. See Thacker, "Bede's Ideal," in Wormald, ed., Ideal and Reality, pp. 130-33.

55. Jones, Medieval Mind, p. 116. Augustine, City of God, bk. 1, ch. 10, for example.

56. Thacker, "Bede's Ideal," in Wormald, ed., Ideal and Reality, p. 136.

57. Judith McClure, "Bede's Old Testament Kings," in Wormald, ed., Ideal and Reality, pp. 76-98.

58. Venerabilis Bedae, ed. Plummer, pp. 405-23.

59. Thacker, "Bede's Ideal," in Wormald, ed., Ideal and Reality, p. 149.

60. Wallace-Hadrill, Early Germanic Kingship, pp. 100-8, for an excellent summary of the relationship between Alcuin and Charlemagne. For Alcuin's life and influence, the best books are C. J. B. Gaskoin, Alcuin: His Life and Work (n.p., 1904; reprint ed., New York, 1966); Eleanor Shipley Duckett, Alcuin, Friend of Charlemagne: His World and his Work (New York, 1951); Andrew Fleming West, Alcuin and the Rise of the Christian Schools (New York, 1892; reprint ed., 1971). These works concentrate, however, on Alcuin's educational and liturgical efforts.

61. Anton, Fürstenspiegel, p. 95.

62. Epistolae Karolini aevi, MGH Epistolae in Quarto, vol. 4, no. 177.

63. Ibid., no. 44.

64. Ibid., nos. 19, 129, 212, 257.

65. Ibid., no. 93, Charlemagne's letter to Leo, which clearly defines the king's role as defender of Christendom. Wallace-Hadrill, Frankish Church, says that Alcuin probably wrote the letter, since it was preserved with his papers.

66. Bede. Ecclesiastical History, ed. Colgrave and Mynors, bk. 3, chs. 3 and 9.

67. Charlemagne was called David by his intimates in the court circle. Alcuin most often refers to him by that name. See, for example, letters 44, 121, 257, in Epistolae Karolini aevi, MGH Epistolae in Quarto, vol. 4. In the preface to Admonitio Generalis, Charlemagne refers to himself as Josiah. MGH Capitularia, no. 30, pp. 53-67.

## CHAPTER II

### EDUCATIONAL REFORM

The cornerstone of Charlemagne's program to transform society was his educational policy. Indeed, educational policy had a dual role: to create a literate body of men to implement his designs of State, and to spread Christian culture throughout the kingdom by raising the intellectual level of its subjects. Additionally, the revival of learning was part of a larger plan to reshape society according to Christian principles and bring all the diverse peoples of the realm under one central authority. The unity to which Charlemagne was so passionately committed required permanent changes at every level of society, possible only through the efforts of educated men. Education, however, depended upon a thorough reform of the Church, which alone had preserved learning since the closing of the pagan schools, but which in Francia was in an advanced state of decay, unequal to the task of effecting Charlemagne's plans. Accordingly, much rested on Charlemagne's educational reform, an ambitious undertaking ultimately attended by success, culminating in what has been called the "Carolingian Renaissance."

The Carolingian Renaissance was the result of a unique collaboration between Charlemagne and Alcuin of York, two men who were of one mind and one spirit and who shared a vision of a new society.<sup>1</sup> The relationship between the king and the teacher ascended from the symbiotic to the synergistic: it is impossible to separate the thoughts and the motives of the two men. Alcuin found not only his image of the ideal king in Charlemagne, he found a remarkable identity of purpose. Both were



enthusiastic scholars convinced of the importance of learning as a tool for accomplishing social change. Both recognized that education was essential, not only, and obviously, for purposes of central administration of the kingdom, but for the perpetuation of knowledge itself.

The capitularies that set out the educational reform program reflect the combined thought of Charlemagne and Alcuin. The force of the words is Charlemagne's, the articulation is Alcuin's. Both the power to enforce and the power to express were crucial to the implementation of reform; together Charlemagne and Alcuin achieved what each alone could not have achieved. Charlemagne's assumption that he had the sovereign right to order the lives of his people and Alcuin's conviction that secular learning was necessary to an understanding of the Scriptures combined to shape the educational revival; both notions were Augustinian in origin and thus found their unity in Christianity. So strong was the determination of Charlemagne and Alcuin that it engendered in those around the court an awareness that they were living in extraordinary times, that this was indeed a period of renewal. Such feelings are reflected in their writings.<sup>2</sup>

The task confronting Charlemagne and Alcuin, however, was one of formidable proportions. With the decline of Roman schools, western Europe gradually slipped into a period of intellectual stagnation during which most of the conventional means of transmitting civilization were obliterated.<sup>3</sup> Neither the Christians nor the barbarians seemed capable of preserving culture to any significant degree. Rome itself had fallen to the barbarians, and, deprived of its center, Roman culture atrophied

and learning decayed. In the fifth century Sidonius Apollinaris lamented, "Now that the degrees of honor which made it possible to distinguish the social classes from the humblest to the highest no longer exist, the only gauge of nobility will henceforth be that of literacy."<sup>4</sup> The Germanic peoples had no tradition of their own to substitute; barbarian "education" consisted solely of military training and learning the epic tales of old heroes. A few barbarians tried to imitate Roman ways, but a lack of understanding of those ways reduced the imitation to a charade. The death blow to the study of letters - a pagan tradition - was administered by the Church: following Jerome and Tertullian, the Church took up a position antagonistic toward classical education precisely because it reflected the thoughts of those who were not Christian.<sup>5</sup>

The work of St. Augustine was crucial in reversing the Christian view of classical learning and in committing the Church to the position that the liberal arts and philosophy were suitable studies for Christians. Educated in the classical tradition and initially a teacher of rhetoric, Augustine recognized the usefulness, even necessity, of pagan letters for an understanding of the Scriptures. In De Doctrina Christiana he proclaims, "Quisquis bonus verusque Christianus est, Domini sui esse intelligat, ubicumque invenerit veritatem" - "Let every good and true Christian know that truth is the truth of his Lord and Master, wherever it is found."<sup>6</sup> Augustine's position that classical learning was useful in the service of Christ assured the survival of the Graeco-Roman heritage. Thereafter, no Christian was compelled to accept or reject secular

culture as a whole, but could choose the best from it. Augustine's own work in the liberal arts provided the model.<sup>7</sup>

The Greek educational tradition of nine liberal arts was adopted by the Roman, Varro, in Libri Novem Disciplinarum, now lost, but his work was preserved by Martianus Capella in De Nuptiis Philologiae et Mercuriae, which, as in Augustine's work, reduced the number to seven. Boethius was the first to separate the quadrivium - music, arithmetic, geometry and astronomy - from the basic components of the trivium - grammar, rhetoric and dialectics. The work of Boethius, in turn, was taken by Cassiodorus, who was the first to give a scriptural basis for the seven liberal arts. In Book II of the Institutiones, he quotes Solomon: "Wisdom hath built herself a house, she hath hewn her out seven pillars."<sup>8</sup> The transmitter of this knowledge to the early Middle Ages was Isidore of Seville, whose Etymologiae was a vast compendium of excerpts from patristic and classical authors. Through Alcuin, whose Northumbrian education included Isidore, the study of the seven liberal arts became the backbone of the Carolingian revival of learning.

The period between the death of Isidore in 636 and the arrival of Alcuin on the continent in 782 was marked by minimal intellectual activity. Civilized life itself was at a low ebb. The monks preserved culture, but with little hope of spreading it.<sup>9</sup> Only in Britain and Ireland did the tradition of scholarship remain vital, and from there, Celtic and Anglo-Saxon missionaries reintroduced it into the European heartland. In the same year, 590, that Gregory the Great became pope, St. Columban founded his monastery at Luxeuil in the Vosges mountains,



and, in time, moved on to Bobbio in Lombardy. Soon centers sprang up at Fulda, Reichenau and St. Gall in Germania, and at Corbie, St. Riquier and St. Amand in Francia. Learning was almost exclusively monastic. Episcopal schools such as the one at York were rare exceptions. It was, however, important for the future of European civilization that monastic culture was Latin, tied to the Holy See at Rome, and founded on the traditions of Church fathers and of the old schools of rhetoric. The collaboration of papacy and monks gave the Church's missionary activity its organization and marked the first step toward reestablishing universalism in the Catholic Church in western Europe, an aim that would finally be realized because of Charlemagne's efforts.

The implementation of the Benedictine Rule in the monastic centers had direct benefits for the spread of learning. The six hours of the day devoted to study created the need for monastic libraries, and libraries are a prerequisite for the survival and flourishing of civilization and for the transmission of culture. In addition, the six hours of daily manual labor could be satisfied by the copying of manuscripts. What Cassiodorus had begun at Vivarium was now taken up more widely, forming the foundations for the Carolingian revival. From these beginnings, Charlemagne and Alcuin created many new centers of learning and greatly expanded the scope of the curriculum and so established a viable system with which to improve the cultural level of clergy and laymen alike.

The condition of learning was particularly deplorable in Francia.<sup>10</sup> The few efforts undertaken before the time of Charlemagne, like

that of Chrodegang of Metz, were scattered and had no widespread effect.<sup>11</sup> The episcopate was fragmented, and bishops lived more like lay magnates than churchmen. The secular clergy were noteworthy for their state of utter decadence.<sup>12</sup> The neglect of the later Merovingians left the State in little better condition. Pepin, Charlemagne's father, was convinced that regeneration of the State depended on reform of the Church, and he laid the groundwork that his son would build upon.<sup>13</sup>

As a result of these conditions, Charlemagne was forced to look outside Francia for men capable of carrying out his reforms. The composition of the court circle of scholars surrounding him reflects the cultural map of his dominions.<sup>14</sup> The first scholars came from Lombard Italy: Peter of Pisa, grammarian and Charlemagne's first teacher; Paulinus of Friuli, later of Aquileia, grammarian, poet, theologian. Also, and not least, Paul the Deacon, poet, grammarian, theologian and historian, restored to the court the tradition of Latin poetry and gave the court knowledge of the classical era through his history of the Romans. Paul also produced for Charlemagne the History of the Bishops of Metz (a celebration of Charles' forebears) that became a prototype for this kind of literature in the Middle Ages. His History of the Lombards is the work on which his fame chiefly rests. From Visigothic Spain came Theodulf, later archbishop of Orleans, poet, theologian, all around scholar and an important figure in educational reform. Irish and Anglo-Saxon scholars also gravitated to the court of Charlemagne, some of them coming with Alcuin.<sup>15</sup>

The first step for these reformers was to secure a uniform

liturgy and ritual throughout the realm.<sup>16</sup> Frankish religious practices, like those of other nations, had developed marked regional peculiarities owing to a general papal policy of allowing diversity within what was considered the overall unity, however loosely conceived, of the Church. Charlemagne, however, demanded uniformity, for he believed that the unity of his various dominions depended on it. Accordingly, he brought teachers from Rome to instruct in Gregorian chanting and ordered the revision of all liturgical books to produce standard texts. He obtained from Pope Hadrian a copy of the Sacramentum Gregorianum, had it transcribed and handed it over to Alcuin for correction and revision. Since the copy was incomplete, Alcuin added a section derived from other texts before it was distributed to the clergy. From Hadrian as well, Charlemagne obtained a copy of the Dionysia-Hadriana, a collection of canon law compiled from the work of Dionysius Exiguus and the pope himself. This provided the clergy with one, unified body of canon law and represented a significant step toward religious uniformity. Further, Charlemagne commissioned Paul the Deacon to compile a homiliary sufficient for the whole of the ecclesiastical year and free of the textual errors that marred existing collections. Paul collected the best of the patristic fathers into two volumes of sermons. Charlemagne, concerned with lack of discipline in monastic houses, had a copy of Benedict's Rule made at Monte Cassino directly from the autograph and distributed it to all monasteries. His intention was uniform obedience to the one rule.<sup>17</sup> The Bible itself did not escape Charlemagne's zeal for corrected texts. He commissioned Alcuin to produce a definitive edition of Scripture,



which Alcuin accomplished after retiring to his abbey at Tours.

Charlemagne concerned himself with the educational level of his people from the beginning of his reign, a concern that intensified as his realm expanded. The Capitulare Generale of 769 initiated reform. Bishops were ordered to remove incompetent priests from their posts until they had learned to fulfill their responsibilities properly and according to accepted standards. Henceforth, even the parish priest was required to pass a test of fitness, concerning both his moral character and his literacy, before being ordained. No one could aspire to a bishopric or an abbacy without proper qualifications, set by the king. Secular clergy who did not pursue study to correct their deficiencies lost their churches permanently, since "those who do not know God's law cannot preach it to others."<sup>18</sup> The line of influence encompassing Augustine, Gregory, Benedict and Bede, and their emphasis on preaching and teaching, is clearly evident here. This promising beginning, however, was not followed immediately by other educational directives because Charlemagne was confronted with the practical task of expanding and consolidating his kingdom. Although the Capitulary of Herstal in 779 did contain reform measures in other areas, it was not until Alcuin was installed as Master of the Palace School and given charge of the task of ecclesiastical and cultural reconstruction that new educational reforms were undertaken.

The Admonitio Generalis, issued in 789, was one of the most important legislative acts of Charlemagne's reign. It called for the opening of schools at cathedrals and monasteries and mapped out a

general educational program for the future. Importantly, it emphasized the study of letters as the proper province of the clergy, prerequisite to understanding Scripture. Clergy were to assume an active role in the process of social reform; the monastic practice of withdrawal from the world was strongly discouraged. A body of scholars was needed to perpetuate learning in the kingdom. The Admonitio provided the impetus for the Carolingian Renaissance by insisting on the need for education in general and for the copying of books in particular. Charlemagne ordered that special care be taken in the transcription and correction of sacred texts, for the problem of corrupt copies of the Scriptures and Church liturgy had long frustrated efforts to impose uniformity. The rapid expansion in the activity of book production led to the development of one of the greatest legacies of Charlemagne, the Carolingian minuscule, a beautiful, easily-read script that was based on older models but freely adapted to create something quite new. Finally, since the parish priest was also the local teacher, Charlemagne attempted to upgrade his status by urging that candidates for the priesthood be recruited from the class of freemen as well as the servile class, from which local clergy were traditionally drawn. The parish priest should know by heart the Credo and the Lord's Prayer and be able to sing the Sanctus and the Gloria Patri, as well as teach these to his congregation.<sup>19</sup>

Charlemagne's most famous mandate concerning education, "the first general charter of education for the Middle Ages," was the Epistola de Litteris Colendis.<sup>20</sup> It has been preserved in the form of a

proclamation to the bishops and abbots and appears to be aimed at enforcing the principles of the Admonitio Generalis. Its date is uncertain, but it was certainly issued before 800. In this document, Charlemagne once again urged churchmen to foster the study of letters and to choose for this important work "men who are both able and willing to learn and who want to teach others," who would, moreover, apply themselves to the task "with an enthusiasm equal to the urgency of our recommendation." This was not empty rhetoric. The success of Charlemagne's reform program depended on the ability of these men to teach and spread learning. For, as Charlemagne reminds them, "knowledge must precede the doing of good works."

The intent of De Litteris Colendis underscores Walter Ullmann's contention that the Carolingian Renaissance was a by-product of a much more fundamental renaissance in society.<sup>21</sup> The meaning behind Charlemagne's words has less to do with either education or religion than with social reform, but the interdependence of all three is clear. The transformation of society envisioned by Charlemagne and Alcuin could not be accomplished without education, and the educational program could not be carried out without the clergy. The potential for real and lasting change depended on Charlemagne's assumption, implicit in this document, that he had the right to regulate the lives of all his subjects, lay and clerical alike. Implicit also in this document is the realization that permanent change could only come slowly and through education, a remarkable awareness that underlines Charlemagne's intention to build a new society. The absorption of the Church into the purposes of the



State was necessary to the success of his efforts.

There were two additional capitularies of major importance to the revival of learning. The Epistola Generalis, again of uncertain date but surely before 800, addressed the need for a common liturgy throughout the realm and ordered all clergy to adopt the homiliary compiled by Paul the Deacon and to use it to correct poorly-copied texts then in use. Charlemagne, long concerned with the need for good preachers, allowed the use of the vernacular if the congregation was unable to understand Latin. The importance of education was emphasized once again, and its lamentable state was ascribed to the neglect of previous reigns. The people were to follow the king's personal example and learn to the best of their abilities.<sup>22</sup> The Aachen Capitulary of 802 contained an important article stating that all subjects of the realm should send their sons to study letters and should further allow them to remain until their course was completed. This capitulary also reiterated much of the material concerning educational policy that had appeared in earlier mandates.<sup>23</sup>

The series of capitularies concerned with education provided for a school system with the palace school at its apex, the cathedral and monastery schools at a second level, and the parish schools at the bottom.<sup>24</sup> The palace school, presided over by Alcuin, was, in his mind at least, modelled after the Academy, with a curriculum that included all of the seven liberal arts. Charlemagne and members of his family, as well as relatives and various members of the court and their children, attended the palace school. Its standards were high and it served as a

model for other schools in the system. Some of the best teachers of the next generation received their education here. What little we know of the instruction at the palace school, gleaned from Alcuin's textbooks, shows that Charlemagne placed great emphasis on intellectual training. In one passage, Charlemagne and Alcuin discourse on the nature of justice.<sup>25</sup> The court itself was the scene of much intellectual activity. Charlemagne himself had a very active mind and "wanted to know everything and to know it at once."<sup>26</sup> His own intellectual capacity has often been underestimated, but it is well to remember that all reform efforts hinged on his ideas and on his active participation in the process. His recognition of talent in others and his ability to attach these men to himself are uncommon abilities.

The second level consisted of cathedral and monastery schools, which served roughly the same constituency at the elementary level. As provided for in the Admonitio Generalis, these schools served their local areas. Above the elementary level, however, their curricula diverged. The monasteries had both interior and exterior schools, the former reserved strictly for oblats, those who were to become monks, and the latter, like their counterparts, the cathedral schools, educated both those who were eventually to become priests as well as children of lay people. The interior schools, accordingly, specialized in theology. At cathedral schools the aim seems to have been to insure an adequate number of secular clergy, singers and readers. Students were classified into three groups, each with its own teacher, so that the varying needs of the churches could be filled.<sup>27</sup> Tuition was generally not

charged at either monastery or cathedral, although there is evidence that the cathedral schools were sometimes forced to charge small fees to supplement the endowments used to subsidize scholars. The curriculum at these schools, though not uniform throughout the realm, generally consisted of the trivium supplemented by religious instruction. The monasteries sometimes incorporated part or all of the quadrivium into their course of study, as was the practice at the palace school. Certain cathedrals and monasteries became known for specializations, such as musical instruction or the copying of manuscripts.<sup>28</sup>

Parish schools, with the village priest as instructor, constituted the lowest rung on the educational ladder. Only the rudimentary subjects, such as reading, writing, reckoning and singing, were taught here. Boys who showed promise went to school at the nearest cathedral or monastery. The aim of the parish schools was minimal: to assure a knowledgeable participation in Church services.<sup>29</sup>

The process of implementation of the educational structure is reflected in an extant letter of Theodulf of Orleans to his clergy. Theodulf instructed priests to hold schools in every parish, to accept all children sent to them for instruction, and to demand no fees for their services.<sup>30</sup> Education under Charlemagne, at least according to official policy, was universal, secular as well as religious, and free.

A letter to Charlemagne from Leidrad, bishop of Lyon, reports on his efforts to carry out the various dispositions of the king and describes the establishment of schools in his diocese. In addition to common village schools, Leidrad mentions a cathedral school and implies



that it was in some sense preparatory to the palace school.<sup>31</sup> A passage from the biography of Charlemagne by Notker the Stammerer also suggests that boys from middle and lower class families had access to the palace school. In this passage Charlemagne chastises the sons of the nobility for lacking the zeal for learning demonstrated by the sons of the common people.<sup>32</sup> The story may be apocryphal, but it surely represents an impression of Charlemagne that survived in the national consciousness nearly a century later. The importance that Charlemagne placed on education is clear enough, and his championing of merit over birth is at least hinted at in his selection of qualified men for important sees.

An important corollary to the creation of an educational system was the copying and distribution of books.<sup>33</sup> As we have noted, this was undertaken to insure uniformity in religious texts and resulted in the development of the Carolingian minuscule, which Alcuin adopted in the scriptoria at Aachen and Tours and promoted throughout the realm.<sup>34</sup> Books were, however, also copied and distributed for educational purposes, and among these were many secular works. As a result of these efforts, no classical work that survived to Carolingian times was subsequently lost, and the earliest manuscripts of nearly all of the Latin authors that we possess are Carolingian copies.<sup>35</sup>

One of the most important elements in Charlemagne's educational program was his insistence on the use of correct Latin, which meant a return to classical forms. Since instruction in the schools was to be in Latin, it had to be correct. Latin was the language of Scripture

and of the liturgy, and Charlemagne's attempts to impose uniformity in religious texts presupposed the existence of a standard language.

Finally, Latin was the language of state documents and other manuscripts that formed an integral part of Charlemagne's campaign to replace oral traditions with the written word and thereby give the written word increasing authority in the conduct of government.

The standardization of Latin directly influenced the development of vernacular languages in the kingdom. After the Germanic invasions of the fifth century, the vulgar Latin spoken in Gaul, based on the colloquial speech of the military rather than on the literary form, underwent significant and rapid change. The closing of the Roman schools naturally accelerated this process. By the time of the later Merovingians, spoken and written Latin were both in a state of serious decay. In consequence, for both political and religious reasons, Charlemagne faced a pressing problem of creating linguistic standards. The opening of schools in which the study of grammar was of primary importance, and the subsequent establishing of scriptoria to produce texts and libraries to house them, resulted in the dissemination of a Latin restored to its classical literary form.<sup>36</sup> The language spoken by the people was no longer late Latin, but became early old French: written and spoken languages became distinctly different.

One need only contrast the corrupt (written) Latin of the Chronicle of Fredegar and the History of the Franks of Gregory of Tours (who openly apologized for the sorry state of his Latin)<sup>37</sup> with the superior work of the Carolingians to verify the success of Charlemagne's

efforts in this respect.<sup>38</sup> Einhard reminds us that Charlemagne himself spoke fluent Latin and even knew some Greek.<sup>39</sup> It is noteworthy as well that Einhard based his biography of Charlemagne on a Roman model (Suetonius) rather than on a local one, such as Sulpicius Severus' life of St. Martin of Tours.

At the same time Charlemagne insisted on the purification of corrupt Latin, he also encouraged the use of the vernacular tongues. Again, from Einhard, we know that Charlemagne loved the old tales of his Germanic forebears and actually had them collected and recorded, though no text survives. He also planned a grammar of his native tongue, which was never accomplished, but he did rename the months in Frankish.<sup>40</sup> As noted above, Charlemagne encouraged the use of the vernacular in sermons where the congregations did not understand Latin.<sup>41</sup>

As in so many other areas, Charlemagne exercised a significant influence on the subsequent development of language.<sup>42</sup> The elevation of Latin to classical purity and the resultant emergence of nascent Old French were evident within thirty years of Charlemagne's death in the Strassburg Oaths, the first written example of early Old French. The Strassburg Oaths also give evidence of the second linguistic development that resulted from Charlemagne's policies: the emergence of bilingualism in the empire. Charles the Bald had to swear in a Germanic dialect and Louis the German in a French one in order for them to be understood by the soldiers in the opposing forces.<sup>43</sup>

Perhaps the most important indication of the success of Charlemagne's reforms is the increased literacy rate in the ninth century.



The generation of scholars trained by the teachers of the palace school in the early years and the generations that succeeded them show an easy familiarity with books of all kinds. It is remarkable that in so short a time "the art of reading widely had become a general phenomenon."<sup>44</sup>

Alcuin's creation of a body of scholars to carry on the revival of learning begun by himself and Charlemagne assured a degree of continuity all the way to the establishment of the universities in the twelfth and thirteenth centuries.<sup>45</sup> Learning found a permanent haven in cathedral and monastery schools. While the origins of the Carolingian Renaissance lie in Charlemagne's sense of his own duty, and while it was his ideas, policies and financial support that sustained it, its moving spirit was often Alcuin's.

Alcuin had a great capacity for work, an unflagging devotion to his cause, and, by all accounts, was an outstanding teacher. His influence as a scholar went far beyond his own time and, in fact, dominated learning for at least the next two centuries.<sup>46</sup> Through his pupil Hrabanus Maurus, abbot of Fulda, his influence extended to the Ottonian Renaissance of the tenth century. Through Aldric, abbot of Ferrières, Alcuin's influence was transmitted through Loupus to Heric of St. Germain d'Auxerre and through Hucbald and Remi of Auxerre to Odo of Cluny. Remi also restored the schools at Rheims, and so Alcuin's influence passed to Hincmar and to Gerbert (later Pope Sylvester II). His pupil Einhard, the biographer of Charlemagne, was as well the author of the prototype translatio.<sup>47</sup> Wahlafrid Strabo, author of the

life of St. Gall, was another pupil. Alcuin almost singlehandedly accounted for the rise of a group of gifted and educated men among the Franks themselves, men who would carry on the work for which Charlemagne initially had to recruit foreigners. In a letter to Charlemagne, Alcuin wrote, "In the morning I sowed the seed in Britain in the flourishing studies of youth, and now, as my blood is growing chill at evening, I cease not to sow the seed in Francia, praying that both alike may prosper by the grace of God."<sup>48</sup> Evidently, God listened.

The spirits of both Charlemagne and Alcuin lived on several generations later when Notker wrote his biography. Though the story, once again, may be apocryphal, the personalities of the two men emerge clearly. Both the force of Charlemagne's character and the wisdom in Alcuin's, as well as the bond that united them, are evident, as is their common commitment to learning, in short, those traits that in combination formed the synergism Charlemagne/Alcuin.

In this way the most glorious Charlemagne saw that the study of letters was flourishing throughout the length and breadth of his kingdom. All the same, despite his superhuman efforts, he grieved because this scholarship was not reaching the high standards of the early fathers, and in his dissatisfaction he exclaimed: 'If only I could have a dozen churchmen as wise and as well taught in all human knowledge as were Jerome and Augustine!' The learned Alcuin, who considered even himself ignorant in comparison with these two, became very indignant at this, although he was careful not to show it, and he dared to do what no one else would have done in the presence of Charlemagne, for the Emperor struck terror into everyone. 'The Maker of heaven and earth Himself,' he said, 'has very few scholars worth comparing with these men, and yet you expect to find a dozen!'<sup>49</sup>



## NOTES TO CHAPTER II

1. For Charlemagne's percipience in recognizing Alcuin's potential, see Bullough, Age of Charlemagne, p. 101. For their relationship, see ch. 1 above.

2. Among the works that reflect this recognition: Ad Carolum Regem, written by Theodulf to celebrate victory over the Avars. Poetae Latini aevi Carolini, ed. E. Duemmler, MGH, Poetae Latini medii aevi (Berlin, 1880), vol. 1, pp. 437-581. Another is the Paderborn Epic, about Charlemagne and Pope Leo. Countless letters and poems, of Alcuin and others, suggest feelings of renewal. See Wallace-Hadrill, Frankish Church, pp. 188, 217; Sullivan, Aix-la-Chapelle, pp. 30-31; Wolff, Awakening of Europe, p. 37.

3. For general decline in the West, the most complete source is still Edward Gibbon, The Decline and Fall of the Roman Empire, ed. J. B. Bury, 2nd ed., 7 vols. (London, 1896-1909), chs. 36-45. For good shorter accounts, see Hugh Trevor-Roper, The Rise of Christian Europe (London, 1965; reprint ed., New York, 1968), pp. 56-70; Christopher Dawson, The Making of Europe (New York, 1932; reprint ed., 1961), pp. 83-99; Wolff, Awakening of Europe, pp. 24-29. Peter Brown, Society and the Holy in Late Antiquity (London, 1982), is a superb collection of essays on various aspects of the period of transition. "Gibbon's Views on Culture and Society in the Fifth and Sixth Centuries," pp. 22-48, is especially insightful.

4. Quoted in Wolff, Awakening of Europe, p. 27.

5. West, Alcuin, p. 10, and Laistner, Thought and Letters, pp. 45-46, on Tertullian. Laistner points out that Tertullian thought philosophers the patriarchs of heretics. On Jerome's generally unfavorable attitude toward pagan learning, see Laistner, *ibid.*, pp. 48-49, and J. Bass Mullinger, The Schools of Charles the Great and the Restoration of Education in the Ninth Century (London, 1877; reprint ed., 1977), p. 10.

6. Augustine, De Doctrina Christiana, bk. 2, ch. 17. Quoted in West, Alcuin, p. 12. Like Jerome, Augustine vacillated between accepting and rejecting pagan letters, but, unlike Jerome, the balance in Augustine is favorable.

7. Laistner, Thought and Letters, pp. 49-53; West, Alcuin, pp. 11-18.

8. Cassiodorus, Institutiones, bk. 2. Cassiodorus Senator, An Introduction to Divine and Human Readings, trans. and with an Introduction by Leslie Webber Jones, Records of Civilization, Sources and



Studies (New York, 1946; reprint ed., 1969), Book Two: Secular Letters, ch. 2.

9. Levison, England and the Continent, pp. 45-93, for the work of the missionaries.

10. Laistner, Thought and Letters, p. 191; Wolff, Awakening of Europe, p. 27; Bullough, Age of Charlemagne, p. 100, for example.

11. Wallace-Hadrill, Frankish Church, pp. 174-78, for a description of Chrodegang's reforms; also Wolff, Awakening of Europe, for their limited success.

12. For fragmentation and decline of episcopacy, Wallace-Hadrill, Frankish Church, pp. 123-42; Boussard, Civilization of Charlemagne, pp. 92-95.

13. Ibid., pp. 95-96; Fichtenau, Carolingian Empire, pp. 16-17; Wallace-Hadrill, Frankish Church, pp. 178-79.

14. MGH Einhardi Vita Karoli Magni, ch. 21. Einhard says that Charles liked foreigners.

15. For descriptions of the men who forged the Renaissance, see Bullough, Age of Charlemagne, pp. 99-128; Laistner, Thought and Letters, pp. 192-94; Sullivan, Aix-la-Chapelle, pp. 151-53; Wallace-Hadrill, Frankish Church, pp. 190-225; Wolff, Awakening of Europe, pp. 40-48.

16. For liturgical reform, see especially MGH Capitularia, no. 21, pp. 35-39; no. 30, pp. 53-67; no. 34, pp. 71-75; no. 43, pp. 90-96. For a general description, Wallace-Hadrill, Frankish Church, pp. 211-16.

17. MGH Capitularia, no. 34, pp. 71-75; no. 43, pp. 90-96.

18. Ibid., no. 19, pp. 33-34.

19. Ibid., no. 30, pp. 53-67.

20. Ibid., no. 29, pp. 52-53. The quotation is from West, Alcuin, p. 46.

21. Ullmann, Carolingian Renaissance, p. 6 et passim.

22. MGH Capitularia, no. 25, pp. 44-45.

23. Ibid., no. 43, pp. 90-96.

24. For descriptions of the school system, in addition to the above-mentioned capitularies, see West, Alcuin, pp. 56-58; Laistner, Thought and Letters, pp. 202-4; Mullinger, Schools of Charles, pp. 68-

103; Bullough, Age of Charlemagne, pp. 112-14.

25. Laistner, Thought and Letters, p. 200; Wallace-Hadrill, Frankish Church, pp. 207-8. Luitpold Wallach, Alcuin and Charlemagne: Studies in Carolingian History and Literature (Ithaca, 1959; reprint ed., New York, 1968) contains analyses of Alcuin's major works.

26. West, Alcuin, p. 45.

27. Epistolae Karolini aevi, MGH Epistolae in Quarto, vol. 4, no. 114, is a letter of Alcuin that describes such a division.

28. Laistner, Thought and Letters, pp. 203-4.

29. Ullmann, Carolingian Renaissance, pp. 39-41.

30. Eugen Schoelen, ed., Erziehung und Unterricht im Mittelalter: ausgewählte pädagogische Quellentexte (Paderborn, 1965), p. 27.

31. Wallace-Hadrill, Frankish Church, p. 359; West, Alcuin, p. 55; Laistner, Thought and Letters, p. 203.

32. Notkeri Balbuli Gesta Karoli Magni imperatoris, ed. H. F. Haefele, MGH, Scriptores rerum Germanicarum, Nova Series, vol. 12 (Berlin, 1959), bk. 1, ch. 3.

33. For an excellent account of books and copying, see Bullough, Age of Charlemagne, pp. 118-28. Also Kenneth Clark, Civilisation: a Personal View (New York, 1969), pp. 19, 23-24.

34. Sullivan, Aix-la-Chapelle, pp. 161-62; Friedrich Heer, Charlemagne and his World (New York, 1975), p. 196. For Alcuin's Bible, which was much copied and circulated, Wallace-Hadrill, Frankish Church, pp. 213-15.

35. Clark, Civilisation, p. 18.

36. Bullough, Age of Charlemagne, p. 116; Boussard, Civilization of Charlemagne, p. 132, for example.

37. Wallace-Hadrill, Introduction to Fredegar, The Fourth Book of the Chronicle of Fredegar with its Continuations, ed. Wallace-Hadrill (Oxford, 1960; reprint ed., Westport, Ct., 1981). pp. xxviii-xiv; Gregory of Tours, History of the Franks, bk. 1, preface.

38. Bullough, Age of Charlemagne, p. 116.

39. MGH Einhardi Vita Karoli Magni, ch. 25.

40. Ibid., ch. 29.

41. MGH Capitularia, no. 34, pp. 71-75. In this capitulary, Charlemagne notes that God understands prayers in all languages.

42. For a thorough discussion of the development of Old French and Old High German, see Philippe Wolff, Western Languages A.D. 100-1500, trans. Frances Partridge (London, 1971; reprint ed., World University Library, New York, n.d.), pp. 114-36. There is a good shorter account in Bullough, Age of Charlemagne, pp. 116-21.

43. Nithardi Historiarum libri IIII, ed. E. Muller, 3rd ed., MGH, Scriptores rerum Germanicarum in usum scholarum separatim editi, vol. 44 (Hannover, 1907; reprint ed., 1965), bk. 3, ch. 5.

44. Wallace-Hadrill, Frankish Church, p. 197.

45. Boussard, Civilization of Charlemagne, p. 128.

46. West, Alcuin, pp. 165-79; Gaskoin, Alcuin, pp. 201-8; Wallace-Hadrill, Frankish Church, pp. 206-7; Laistner, Thought and Letters, p. 201.

47. Patrick J. Geary, Furta Sacra: Thefts of Relics in the Central Middle Ages (Princeton, 1978), pp. 143-46.

48. Migne, Patrologia Latina, 101:757, quoted in West, Alcuin, p. 69.

49. MGH Notkeri Balbuli, bk. 1, ch. 9.



### CHAPTER III

#### ADMINISTRATIVE REFORM

In his campaign to bring the diverse parts of the realm under central control, Charlemagne transformed certain institutions traditional to the Frankish monarchy and created new ones to deal with the specialized needs of his expanded kingdom. The most important of these was the establishing of a fixed capital where the administrative machinery of a central government could be permanently located. The second was the creation of new officials or the expansion of the duties of traditional officials and the creation of departments through which to channel the business of government. One of his most important steps was the creation of the missi dominici, who in effect served as agents of the central government in the provinces. The permanent authority on the local level remained the count, but his duties were considerably expanded and he was made an integral part of the centrally controlled, administrative hierarchy that Charlemagne created.

Charlemagne's insistence on written documents and records in all aspects of administrative and judicial activity was an innovation of inestimable value for the efficient conduct of State business and by its very permanence gave weight to governmental authority. His inclusion, to an unprecedented degree, of churchmen in the inner mechanisms of government made available to the crown a body of learned men for the conducting of State business. Obviously, the degree to which Charlemagne depended on churchmen required reform of the Church for governmental as well as for educational purposes.<sup>1</sup>

The keynote to Charlemagne's entire program of reorganization was the delegation of authority at all levels and his absolute insistence on the accountability of all officials.<sup>2</sup> Following from Charlemagne's conception of kingship, he remained the sole source of power; when delegated, power could only be exercised in his name. Similarly, the depth of his own perceived responsibility as king mandated that his designated officials assume such responsibility as was necessary to the proper exercise of their duties. These fundamental concepts both increased the efficiency of royal administration and guaranteed that the central authority, embodied in the person of the king, was in control of the entire structure.

Charlemagne's organizational priority was to carry out the reform of the Church begun in his father's time with the reestablishment of a functional episcopate. Pepin, however, had in no way conceived a comprehensive program for reform. Wallace-Hadrill points out the tentativeness of Pepin's efforts; there is about them "a feeling of insecurity," even "a consciousness of impermanence."<sup>3</sup> Charlemagne suffered no such misgivings. He made no distinction between secular and religious power, and his power was absolute. His objective in Church reform was not merely to provide for the spiritual welfare of his people, important enough in itself, but to mold an institution of government. To reorganize society, he needed the Church as well as civil institutions under his control. Bishops had administrative functions and were among the closest advisors of the king.<sup>4</sup> In effect, Charlemagne molded Church and State into one system of government, whose fundamental principle

was the collaboration between secular and ecclesiastical officials.<sup>5</sup>

Charlemagne addressed the issue of Church reform from the very beginning of his reign. The Capitulare Generale of 769 focused on the problem of clerical incompetence and assigned the bishops the task of correcting it.<sup>6</sup> The Capitulary of Herstal (779) established firm hierarchical lines of authority within the Church: suffragan bishops were placed directly under the authority of the metropolitans. Old cathedrals were given archbishops, and new archbishoprics were created in recently acquired territories.<sup>7</sup> Charlemagne further decreed that all metropolitans were to be archbishops. It was his prerogative to appoint bishops, a tradition steadfastly maintained by the Frankish monarchy despite the efforts of St. Boniface to change it.<sup>8</sup> As officials of the State, bishops were placed under the control of the missi and required to submit periodic reports of their activities to the king. Charlemagne determined the rules of conduct for the clergy and issued instructions for Church ritual. His regulations concerning religious observances governed the conduct of the mass and set guidelines for liturgical art and music.<sup>9</sup> He both convened and presided at Church councils. By the time of the Council of Frankfurt in 794, the Church had been fully absorbed into the purposes of the State.

Charlemagne relied on the Church hierarchy chiefly to help run the administration, while the spiritual life of the Church was left essentially in the hands of the monasteries. Monastic life, however, had fallen into a state of decay much like that of the episcopate before Pepin had initiated his reforms. Monastic discipline was practiced



haphazardly, if at all. Accordingly, Charlemagne undertook complete reform of the monasteries as well; there are capitularies dedicated solely to this problem. Although he had a real concern for the spirituality of the monks, for which he was ultimately responsible, the primary goal of monastic reform was to provide a body of scholars for his educational program and a body of missionaries to spread Christianity in newly conquered territories. To reestablish monastic order, Charlemagne directed all monks to adopt and practice the Benedictine Rule, copies of which he had circulated throughout the realm. As well, he established rules for the internal organization of the monasteries.<sup>10</sup> He installed capable and dedicated men as abbots to carry out reforms. Owing to these efforts, the Benedictine Rule superseded all other monastic rules in the West.

The last step in Charlemagne's reorganization of the Church was the creation of a parish system. By law every subject in the realm had to belong to a specific parish and was prohibited from attending services in any other. This followed for social and economic, as well as religious, reasons. In the countryside the parish priest was, for all intents and purposes, the only representative of authority. Both governmental and Church officials were too remote to affect the daily life of most peasants. Charlemagne recognized this as early as 769 when he noted in the Capitulare Generale the importance of the sermons of the parish priest. The parochial system reinforced the social order and further tied the people to the land and to one locale. No person could fully participate in either the civil or religious aspects of

society if he were not a member of a parish. The priest, in turn, was responsible for the welfare of his parishioners; he was the one on hand to minister to their needs. Ullmann points out that the parish system was imposed in less than a generation, and it implemented Charlemagne's plan for social transformation even among the lowest orders of society.<sup>11</sup>

The economic reasons for this organization are clear enough. The collection of the tithe, imposed by conciliar and royal legislation and collected by royal officials, was greatly facilitated by parish registration.<sup>12</sup> Eventually it became necessary to delineate geographical boundaries for parishes because of their rapid proliferation. By the mid-ninth century the system had expanded to include more than 7000 parishes in the East and West Frankish kingdoms alone.<sup>13</sup> By the time of the councils of 813, the practice had become established that families paid tithes to the church where they attended mass and where their children were baptized.<sup>14</sup>

The establishment of a fixed capital city, something no Frankish king had ever done before, not only facilitated the efficient and regular functioning of the machinery of government but made the monarch more accessible to petitioners and thus more in touch with recurrent problems. In other words, Charlemagne increased his control over the kingdom by designating a center of government. The word palatium denotes the king's residence, his entourage or the government in general. In time it was applied almost exclusively to Aachen.<sup>15</sup> Offices that formerly had been limited to palace dignities, concerned with the



smooth operation of the king's residence, now assumed permanent functions of government. Both the king's entourage and the expanded royal chapel became advisory bodies on matters of government business and official policy. The vassi dominici - royal vassals who held no benefice - continued to serve as a permanent cavalry troops always at the king's disposal, but also gradually assumed other duties at the palace or functioned as missi in the provinces.<sup>16</sup>

The annual assembly, usually held just before the beginning of the spring campaign, Charlemagne transformed from a popular gathering into a meeting of the higher secular and ecclesiastical officials of the kingdom. In later years, it met more often at Aachen than at the starting point for military operations. Only those summoned by Charlemagne attended these assemblies, and their size and composition, therefore, could vary considerably from year to year. Occasionally a second assembly convened in the fall if special problems required consideration. Assemblies were often divided into two or more groups on the basis of expertise, and these groups then attended to matters appropriate to their particular expertise.<sup>17</sup> Although assemblies were important for their influence on policy decisions, they were essentially reduced to the role of advisory body under Charlemagne, to whom consensus meant the acceptance of his decisions. His will - and not the will of the assembly - was expressed in the capitularies issued after the annual sessions.<sup>18</sup>

Charlemagne was the first western European monarch to require the use of written documents as a matter of government policy, and,



indeed, as a means of governing. In the introduction to his study on rural economy in the Middle Ages, Georges Duby remarks that "the story of the countryside is suddenly flooded with light during the reign of Charlemagne."<sup>19</sup> Charlemagne was, in fact, the first European monarch after the fall of Rome who could insist on written records, for he was the first to create a body of literate and educated men able to carry on such work on the necessary scale. In order to institutionalize the use of writing, Charlemagne established an archive in the palace and special administrative departments for the purposes of correspondence and the keeping of records.<sup>20</sup> Written statements furnished proof of the king's rights and assured uniformity of practice throughout the realm.<sup>21</sup>

One of the first problems Charlemagne addressed was the reluctance of a tradition-bound and superstitious population to accept the validity of written documents. By requiring documentation in common practices, such as judicial procedure, Charlemagne gradually accustomed the people to the new way of doing things. For example, parties to trials before the king's tribunal were required to have written memoranda if they wished their cases to be heard.<sup>22</sup> Eventually, the full benefits of society became inaccessible to those who did not follow procedure in the use of written documentation. Moreover, Charlemagne governed his kingdom through written legal authority - the capitularies. By the end of his reign, the people had become accustomed to associating the king and his authority with written documents, and royal acts and diplomas earned universal acceptance.<sup>23</sup>

The practice of writing, once begun, proliferated. All things were recorded: agendas of meetings, decisions of the annual assemblies, proceedings of Church councils, charters, State papers, letters in abundance. Also recorded were instructions sent to everyone: to missi, royal officials, to clergy and to stewards of royal demesnes. Inevitably, there were reports sent back by all of the foregoing, and these also were recorded. Matters relating to the army also figure prominently among the records, for example, mobilization orders, inventories, accounts. Many of these documents are full of minute detail. Reports from royal stewards, for example, were required once a year for financial records and three times a year for yield accounts.<sup>24</sup> State papers of great historical significance survive: Duke Tassilo's signed renunciation of Bavarian independence, for example, and the division of the empire among Charlemagne's sons - recorded before two of them had died. All were preserved in the palace archive.

The introduction of the written document in the courts revolutionized the practice of law.<sup>25</sup> Judgments were recorded in diplomas following trials at the palace court and in charters after trials at the mallus. Appeals to the assizes of the missi were facilitated by the introduction of the breve, a written letter of authorization from the palace. Written proof was introduced as evidence at trials and achieved at least a limited acceptance, although other proofs were often required to support it. Records of official proceedings, placita, were issued following palace court judgments. A writ was required to bring a complaint of false judgment against the officials of the mallus to

the palace court. Written notitiae replaced oral pledges and the use of symbolic tokens of security, such as the festuca (rod), to insure the execution of judgments handed down by the mallus or assizes of the missi.

The most important implication of writing for law was for the laws themselves. All incomplete codes were to be completed, some revised, and some committed to writing for the first time. When this task was accomplished, Charlemagne ordered judges to follow written law and not their own opinions of the law, such as had been the tradition. There followed a concentrated effort to wean the judicial system away from the arbitrariness of its oral tradition toward the uniformity of a written one. All court officials were to restrict themselves to the written elements of the national laws. The regular publication of the royal capitularies, which often contained articles that were to be added to the national laws, promoted this practice.<sup>26</sup>

The appreciation for the authority of written documentation and the permanence it imparts underscore both Charlemagne's abilities as an administrator and the intensity of his ambition to reform society. His overriding concern for order is evident. The contrast between the massive production of documentation during the reign of Charlemagne with that of his predecessors illuminates the scope of governmental activity he required and the measure of central control he achieved.<sup>27</sup>

One of Charlemagne's most important contributions to governmental structure was the creation of a new class of officialdom linking central and regional administrations - the missi dominici. This innovation



tightened central control over the kingdom and significantly increased the responsibility of provincial officials. As the central government was embodied in the person of Charlemagne, so his authority was embodied in the missi.<sup>28</sup> As their first duty, they circulated the king's capitularies, making his edicts known to all concerned, but in actuality the missi exercised broad powers of supervision over all other authorities and were instructed to suppress abuses of every kind.<sup>29</sup> Their authority proceeded from their power to act without an intermediary, and this helped foster the concept of the superiority of central authority over all other.

Before Charlemagne there were special royal envoys called missi de palatio discurrentes who were appointed on an ad hoc basis when special need arose.<sup>30</sup> Charlemagne regularized this institution at the beginning of his reign and generally used the vassi dominici to carry out the work of the central government. But vassals without benefices were scarcely the equal of landed vassals and did not command the respect necessary to act with authority with some prospect of being heeded. Their limited resources made them subject to corruption and bribery, and Charlemagne felt that more highly placed men would be immune from such influences. Thus in 802 Charlemagne once again overhauled the missi, limiting holders of the office to high lay and ecclesiastical officials, counts, bishops and abbots, who had position and authority to enforce their decisions.<sup>32</sup> After this, the missi were entrusted with the task of supervising the highest officials, including other counts and bishops.<sup>33</sup>

The missi received a general mandate from the king for a specific region and were sent out in pairs - one ecclesiastic and one lay official. Charlemagne appointed them and gave them their instructions, many of which survive in the capitularia missorum. In addition to their supervisory and judicial powers, they could remove incompetent officials and occasionally make appointments. They inspected royal demesnes in their jurisdiction for signs of exploitation or other abuses and collected the king's portion of the fines. As one of their more important functions, they reported on whether already existing legal and regulatory dispositions were being enforced. Additionally, theirs was the similar responsibility for seeing that the king's mandates were being implemented by regional officials.<sup>34</sup> The missi functioned most significantly as inspectors, able to report to the king exactly how well regional government was functioning.

The county, a Frankish institution, was the major administrative division in the kingdom. Charlemagne greatly expanded the county system - he added over 300 new ones - and completely reorganized its structure and function.<sup>35</sup> The count (comes, grafio), the chief county official, was the permanent deputy of the king and held power directly from the king. Charlemagne appointed counts for life but removed them if they failed to perform their duties satisfactorily. Having learned from the mistakes of the Merovingians, he never granted land or titles in perpetuity, always reserving the right of dismissal. Although they had the power to command and to prohibit, the counts were part of the royal administration and responsible for those under their local

jurisdiction.<sup>36</sup> One of the chief duties of the missi was the inspection of county government.

The count's most important functions were the safeguarding of the king's rights and the maintenance of the public peace. To accomplish these duties, he enjoyed wide police powers and was the presiding officer of the mallus, or county court.<sup>37</sup> The count's military responsibilities were the traditional ones - to summon freemen to arms, to see that they were properly equipped, to oversee the collection of provisions and baggage and to take command personally if necessary - but his accountability for these duties was far greater under Charlemagne than under Charlemagne's predecessors.<sup>38</sup> Charlemagne added other less traditional duties: the appointment of subordinate officials, together with the responsibility of seeing that these subordinates fulfilled the functions assigned to them. Counts also assisted the missi in seeing that all freemen took the oath of fidelity to the king. They also served as missi, attended the king at the palace and performed whatever additional tasks the king might require. Counts cooperated with ecclesiastical officials to assure effective regional government.<sup>39</sup>

Charlemagne assigned these additional duties to the counts, not only because he needed their services in his expanded administration, but also because he wished to keep them so busy with the king's business that they would have little time to cause trouble, something that had been common among Frankish magnates.<sup>40</sup> These additional duties - attendance at assemblies and councils, ambassadorial tasks, palace



duties, and duties as missi dominici, however, often kept them away from their counties more than four months out of the year. Leaving their duties to subordinates was costly and inefficient.<sup>41</sup> To alleviate this problem, Charlemagne created the office of viscount (ad vicem comitis) as a permanent deputy to the count, with full powers.<sup>42</sup> He also divided the counties into smaller administrative units called vicariae, whose administrative heads, the vicarii, exercised the same functions as counts but at a lower level.<sup>43</sup>

Charlemagne introduced significant changes in the royal practice of granting immunity so that it, too, might serve a useful function in his administration. He limited the granting of immunities almost exclusively to religious institutions, and most often included the full patrimonies of these institutions in the grants. Moreover, given the expansion in commerce, he added exemptions from tolls as well.<sup>44</sup> However, Charlemagne found it necessary to restrict immunity in one area: royal officials were allowed to enter immune lands in pursuit of brigands, and refusal to cooperate with such officials was punishable with a fine.<sup>45</sup> His creation of the office of permanent advocate facilitated relations between those with immune lands, on the one hand, and county officials, on the other. The advocate acted as representative of the church or abbey with immunity in court cases and other affairs and, as a royal official, saw to it that the inhabitants of immune lands performed their military service. Additionally, the advocate probably presided over the court of immunity, which heard cases not serious enough to be sent to the mallus. Advocates were under the control of the missi.<sup>46</sup>

Royal vassals were another resource that Charlemagne made use of in the service of government and consequently changed the practice of granting benefices considerably from that of his predecessors. Although military service remained the most important reason for vassalage, royal vassals under Charlemagne were expected to perform a wide range of tasks for the central administration. For this reason Charlemagne increased their number, granting benefices from both his own demesnes and Church lands. As well he expanded the practice of encouraging counts to enter into royal vassalage.<sup>47</sup> The increased number of vassals assured Charlemagne islands of loyal and well-armed men widely scattered throughout the empire who could be called to service in time of need. In this capacity, royal vassals were especially invaluable in border lands or newly-conquered territories.<sup>48</sup> The vassal count who created sub-vassals within his benefice assured himself of permanent assistants in the performance of his official duties, which benefitted both the county and the central government.

For the increased defense of the empire, Charlemagne restricted vassalage in and around vulnerable areas to landed vassals, whose benefices gave them the resources to mobilize quickly.<sup>49</sup> To make more men available for the army, he instituted a system of shared military obligation that allowed several freemen, who held less than the minimum amount of land to be liable for military service, to band together and equip one of their number. In such a way, all were considered to have discharged their military obligation.<sup>50</sup>

One of Charlemagne's signal achievements was the creation of a

system of defensive marches surrounding his empire. Having discovered that the conquest of territories adjacent to the Frankish kingdom, far from rendering the kingdom more secure, actually exposed it to increased dangers from less civilized peoples such as the Avars, Charlemagne devised a series of marches in sensitive border areas that were administered in a special way. As in all border areas, there were no non-landed vassals. Populations in marches had special obligations for defence, including guard duty. They had to be prepared at all times to mount a defense on short notice.<sup>51</sup> Occasionally a march was administered by a count with expanded powers and authority over other counts for defensive purposes, a necessity following from the large size of the marches.<sup>52</sup> Because of the increasing threat from the Norsemen, Charlemagne created a maritime zone along the coast from the Atlantic Ocean into the North Sea and built a fleet to patrol coastal areas around the mouths of rivers and near ports.<sup>53</sup>

If Charlemagne was preoccupied with defense of his empire against dangers from without, he was even more aware of the dangers within. In addition to creating an administrative hierarchy to maintain central control over his diverse territories, Charlemagne took steps to alleviate pressure in traditionally unsettled regions. To insure the loyalty of his counts, he often installed them in regions not native to them, thereby minimizing the danger of their generating a local following. Most conquered people were placed under Frankish counts whom Charlemagne could trust.<sup>54</sup> Perhaps most perceptively, Charlemagne was always wary of the potential dangers in feelings of regional loyalty



and often relocated large numbers of people in order to guard against insurrection. Ultimately he resolved the Saxon problem by resettling Saxons by the thousands in other areas of the kingdom.<sup>55</sup> In the two regions most notorious for intense local loyalties - Aquitaine and Italy (Lombardy) - Charlemagne installed his sons Louis and Pepin as kings, although he did not make the mistake of giving either of them royal power.<sup>56</sup>

Three things emerge from a consideration of Charlemagne's religious and administrative reforms. The first is the magnitude of his achievement in molding the first State of the Middle Ages, explicit in the contrast between what he inherited from his predecessors and what he bequeathed to his successors. The second is his unqualified genius for discerning in old institutions potential for new and innovative applications, and for creating new institutions to fill the lacunae in established ones. The third is the remarkable degree of control he was able to maintain over the entire structure. In his delegation of power he enhanced his own position. He was able to delegate judicial authority and remain himself the fount of all justice. He was able to delegate political authority and remain its sole source. He created a structure of government that was linked from top to bottom in its shared responsibility for the welfare of the people and of the State. Through the channels he created in the administrative hierarchy he was able to impose his will on the whole empire. Very few monarchs before or since have wielded such absolute power. None had had an equal impact on western civilization.

### NOTES TO CHAPTER III

1. The Capitulare Generale (769) embodies what may be called a preliminary sketch of what is to come, which is broadened in the Capitulary of Herstal (779). The Admonitio Generalis (789) is a full-blown program of social reform. MGH Capitularia, no. 19, pp. 33-34; no. 21, pp. 35-39; no. 30, pp. 53-67.
2. On the delegation of authority, see Fichtenau, Carolingian Empire, pp. 104-5.
3. Wallace-Hadrill, Frankish Church, p. 178; Boussard, Civilization of Charlemagne, p. 92.
4. Fichtenau, Carolingian Empire, pp. 130-31.
5. François Louis Ganshof, Frankish Institutions under Charlemagne, trans. Bryce Lyon and Mary Lyon and with a Foreword by Bryce Lyon (Providence, 1968), p. 5.
6. MGH Capitularia, no. 19, pp. 33-34.
7. Ibid., no. 21, pp. 35-39.
8. Wallace-Hadrill, Frankish Church, pp. 150-61; Boussard, Civilization of Charlemagne, pp. 95, 97.
9. Almost every capitulary has some dispositions regarding the clerical life. In addition to the Capitulary of Herstal and Admonitio Generalis, see those of Frankfurt (794), Aachen (802), Thionville (805). MGH Capitularia, no. 34, pp. 71-75; no. 43, pp. 90-96; no. 71, pp. 131-35. In addition, there are many addressed solely to churchmen. Ibid., no. 31, pp. 67-68; no. 38, pp. 81-82; no. 50, pp. 107-8.
10. See n. 9 above.
11. Concilia aevi Karolini, ed. A. Werminghoff, MGH, Legum Sectio III, vol. 2 (Hannover, 1906), 198 et al. Much information can be gleaned on the parishes from conciliar proceedings. See Ullmann, "Public Welfare and Social Legislation in the Early Medieval Councils," in Studies in Church History 7: Councils and Assemblies, ed. G. J. Cuming and Derek Baker (Cambridge, 1971), pp. 1-39, and Ullmann, Carolingian Renaissance, pp. 39-41. For the plight of the parish priest, see Fichtenau, Carolingian Empire, pp. 156-60. Wallace-Hadrill, Frankish Church, p. 282, points out that the parish church was the pivot of reform in the provinces.
12. Natalini Terzo, A Historical Essay on Tithes: A Collection

of Sources and Texts (Washington, D.C., 1973), pp. 64-65, dealing with the Councils of Arles, Rheims, Autun and Mainz in 813, observes that the common element is the obligatory nature of tithes. The duty of tithing the first fruits of one's labors is mentioned in several capitularies, among them Herstal and Admonitio Generalis. MGH Capitularia, no. 21, pp. 35-39; no. 30, pp. 53-67.

13. Ullmann, Carolingian Renaissance, p. 40.

14. Wallace-Hadrill, Frankish Church, pp. 288-89.

15. Bullough, Age of Charlemagne, p. 166. The sacrum palatium fulfilled symbolic as well as practical purposes.

16. Ganshof, Frankish Institutions, p. 21.

17. Ibid., pp. 21-23; Boussard, Civilization of Charlemagne, pp. 37-38.

18. Ibid., pp. 85-86; Bullough, Age of Charlemagne, p. 162. As for assemblies, so for councils.

19. Georges Duby, Rural Economy and Country Life in the Medieval West, trans. Cynthia Postan (London, 1968), p. 3.

20. Royal Frankish Annals, sub anno 813, MGH Annales et chronica aevi Carolini.

21. Ganz, "Bureaucratic Shorthand," in Wormald, ed., Ideal and Reality, p. 61, points out that the Admonitio Generalis orders the teaching of Tironian notes to train men for the writing of documents.

22. Boussard, Civilization of Charlemagne, p. 89; Ganshof, Frankish Institutions, p. 92.

23. Ibid., p. 91. On archival recording of the capitularies, see also Patrick Wormald, "Lex Scripta and Verbum Regis: Legislation and Germanic Kingship from Euric to Cnut," in Early Medieval Kingship, ed. P. H. Sawyer and I. N. Wood (Leeds, 1977), p. 118.

24. MGH Capitularia, De Villis, no. 102, pp. 181-87.

25. See Chapter IV below for legal documents.

26. MGH Capitularia, no. 53, pp. 112-14; no. 54, pp. 114-17; no. 55, pp. 117-18; no. 57, pp. 120-21; no. 64, pp. 125-26.

27. Boussard, Civilization of Charlemagne, p. 91.

28. Admonitio Generalis, prologue says "ex nostri nominis



auctoritate." MGH Capitularia, no. 30, pp. 53-67.

29. Ganshof, Frankish Institutions, pp. 23-26; Boussard, Civilization of Charlemagne, pp. 29-31.

30. Ibid., p. 29.

31. Capitulary of Herstal (779), MGH Capitularia, no. 21, pp. 35-39.

32. Ibid., no. 43, pp. 90-96.

33. Boussard, Civilization of Charlemagne, p. 30.

34. The Aachen Capitulary of spring 802 outlines duties. MGH Capitularia, no. 43, pp. 90-96. No. 44, pp. 96-99, outlines special duties.

35. Boussard, Civilization of Charlemagne, pp. 27-28.

36. MGH Capitularia, no. 21, pp. 35-39; no. 27, pp. 48-50; no. 99, 172-74. See also Fichtenau, Carolingian Empire, p. 105. Bullough, Age of Charlemagne, p. 86, suggests that Charlemagne may have had a conscious policy of unification in assigning counts around the empire. Fichtenau points out that these counts did tend to marry into local families, though he sees far less mobility than others.

37. See Chapter IV for count's legal duties.

38. MGH Capitularia, no. 81, pp. 148-49; no. 99, pp. 172-74.

39. Ganshof, Frankish Institutions, p. 29.

40. One only has to consider the troubles of the Merovingians in this respect. Noble families ran the kingdom and vied for superiority, which, of course, led to the rise of the Carolingians. Charlemagne, like his father, learned well from the mistakes of his predecessors.

41. As prescribed in the Capitulare de iustitiis faciendis (812), MGH Capitularia, no. 100, pp. 174-75. For problems resulting from this policy, see Fichtenau, Carolingian Empire, pp. 115-16; Ganshof, Frankish Institutions, p. 30.

42. Ibid., p. 33.

43. Boussard, Civilization of Charlemagne, p. 28.

44. Numerous charters of immunity survive from Charlemagne's reign. Diplomata Pippini, Karlomanni et Karoli Magni, ed. E. Mühlbacher, with A. Dopsch, J. Lechner and M. Tangl, MGH, Diplomata Karolinorum,

vol. 1 (Hannover, 1906).

45. This was provided for as early as 779. MGH Capitularia, no. 21, pp. 35-39.

46. Ganshof, Frankish Institutions, pp. 48-49.

47. The Capitulary of Herstal distinguishes landed from non-landed vassals. MGH Capitularia, no. 21, pp. 35-39

48. Fichtenau, Carolingian Empire, pp. 109-10. The Royal Frankish Annals give an example of the usefulness of loyal vassals in vulnerable areas: in the case of Tassilo, his nefarious doings were reported to the king by vassals. MGH Annales et chronica, sub anno 788.

49. MGH Capitularia, no. 99, pp. 172-74.

50. Ibid., no. 81, pp. 148-49.

51. Defense of march areas is provided for in several capitularies. Ibid., no. 65, pp. 126-27; no. 84, p. 152; no. 99, pp. 172-74.

52. Fichtenau, Carolingian Empire, p. 110; Ganshof, Frankish Institutions, p. 31.

53. Coastal defenses are mentioned both by Einhard and in the Royal Frankish Annals. MGH Einhardi Vita Karoli Magni, ch. 17; MGH Annales et chronica, Annals, sub anno 800. Also MGH Capitularia, no. 43, pp. 90-96; no. 84, pp. 152-53; no. 92, p. 163.

54. Fichtenau, Carolingian Empire, pp. 109-112.

55. MGH Annales et chronica, Annals, sub anno 804. See also Louis Halphen, Charlemagne and the Carolingian Empire, trans. Giselle de Nie (Amsterdam, 1977), p. 51.

56. Ganshof, Frankish Institutions, pp. 30-31.

## CHAPTER IV

### LEGAL REFORM

During the reign of Charlemagne there was a thorough reorganization of the judicial system, including the establishment of standardized procedure throughout the realm. In many ways Charlemagne's legal activities were his most important work, for their goal was to assure equality before the law for all his subjects. Additionally, legal reform was an important component in his program to implement central control over all parts of the kingdom. His conception of government embodied the rule of law, much in the Roman tradition, and his perception of kingship flowed from his, by Germanic standards, revolutionary conviction that law was an active undertaking rather than simply a passive body of custom. He used a legal instrument, the capitulary, both to govern and to enact his reforms. Standardized legal practices were a prerequisite to the stability in society he was attempting to achieve.

In traditional German society law was custom, and this custom was identified by tribal and kindred elders and transmitted orally by the "law-speakers."<sup>1</sup> The system began to break down between the late third and sixth centuries owing to both internal and external stresses with which it was not equipped to deal. Kindred groups fragmented through the processes of migration and expansion, and the growing authority of king and aristocracy led to increasing differentiation within Germanic society. In addition, the interests of a central authority, however nominal, conflicted with those of the clan.



Outside pressures, especially interaction with Rome and the attraction of the Roman life style, contributed further to the breakdown of traditional practices. The complexities of transactions with Romans and other outsiders created a host of new problems for which the body of customary laws provided no guidelines.<sup>2</sup>

Although early Germanic law was a compilation of traditions and accepted practices - a statement of the conditions under which life could be lived - it was not arbitrary in the sense that a legislative code or body of statutory law can be, which orders that life should be lived in a certain way. It was rather part of a larger body of custom that embraced religion, ethics and kin and clan discipline, in effect functioning as undifferentiated social control. Furthermore, law was part of the tribal ethos and had always existed, a kind of mystical truth that could be discovered and defined but not imposed from above. It was ancient custom that was interpreted to fit present circumstances.<sup>3</sup>

The Germanic conception of law can be seen in the following examples from some of the codes. In the prologue to Lex Salica, the origines causarum are discovered through discussion among four chosen elders and the iudices, heads of local assemblies.<sup>4</sup> According to the Burgundian code, the Lex Gundobada, the law was a "definition" confirmed by the seals of thirty-one counts.<sup>5</sup> The Alemanni called their code the Pactus (as did the Franks initially), meaning agreement, and recorded that it was drawn up by the king, bishops, dukes, counts and others.<sup>6</sup> The Anglo-Saxon kings described themselves as "setting" (âsettan), "fastening" (gefaestnode) or "securing" (getrymede) their

laws.

The idea of the personality of the law was an integral part of the Germanic codes and is their most striking characteristic. Unlike Roman law, which was territorial and governed all peoples living in Roman lands, the Germanic peoples considered law a part of their "citizenship." The traditional practices of one nation were applicable only to members of that nation; an individual recognized only the law of the group into which he was born, and that law applied to him everywhere and under all circumstances. The Lex Ribuaria states that "... within the territory of the Ripuarians, whether Franks, Burgundians, Alamans or of whatever nation one dwells in, let one respond, when summoned to court, according to the law of the nation in which one was born." It further states, "If he is condemned, let him sustain the loss according to his own law, not according to Ripuarian law."<sup>8</sup>

The Germanic laws embodied mostly compilations of offenses and punishments, and each person had his "man-worth," or wergeld, which represented compensation for injuries sustained. Payment of the wergeld gradually supplanted the faida, or blood-feud; the word faidus ( a Latinization of the Frankish word) is used in the codes to mean either the feud or the payment by which it was satisfied. Both the faida and wergeld were instruments of social control. Both acted as deterrents to crime, and it has been argued that the violence implicit in the faida may have been the more powerful deterrent.<sup>9</sup> The existence of any body of law, whether custom or enacted legislation, has as its aim the maintenance of order in society, even if its enforcement entails violence.

In earlier times, acceptance of the wergeld in lieu of vengeance seems to have been voluntary, and indeed there were some crimes for which no payment could atone. As kings became stronger they were better able to compel acceptance of the wergeld and to undertake the punishment of bootless crimes themselves. The collection of both wergeld and fredus (fine) provided increased revenue for the royal treasury.

Through interaction with Rome and especially with the Church, oral traditions and customary law gradually gave way to written law, and the writing of the codes, in turn, had a profound effect on the application of Germanic law in general. With the exception of the Visigothic laws, the written barbarian codes were incomplete records of national custom, representing the selective inclusion of some social practices and the omission of others.<sup>10</sup> Additionally, the written codes, except for the original text of Lex Salica, reflected the influence of the Church.<sup>11</sup> Most importantly, they were written in the name of kings. These codes seem to be an attempt to explain the ways of the Germanic peoples to the Romano-Christian populations in their conquered territories. They were certainly viewed as enhancement of royal power by the kings who promulgated them: "the mere fact of his law-giving makes him more of a king."<sup>12</sup> We see here the beginnings of legislation as a royal undertaking. By the latter part of the sixth century, Germanic kings were issuing certain laws in their own names. In addition, the influence of Roman secular and religious interests began to emerge strongly in the laws. The increasing influence of the Church over succeeding centuries further transformed the tenor of the laws. All



these developments, however, reflect changes in a Germanic society evolving in other than traditional directions; they do not reflect any basic shift in attitude toward the concept of law as customary and oral.

Germanic kings were also responsible for compilations of Roman law for the Romani living in their conquered territories. The most important of these, and the one that superseded all others, was the Lex Romana Visigothorum, published in 506 by Alaric II, and better known as the Breviarium Alarici. It was largely based on the Theodosian Code but contained selections from other surviving collections of Roman law, most notably an abridged version of the Institutes of Gaius. Since the Germanic peoples only imperfectly, if at all, understood the concepts behind Roman law, the text was equipped with a running commentary, or interpretatio, that explained the text in a form intelligible to them. The work was so large that epitomes were made and eventually epitomes of epitomes.<sup>13</sup> Nevertheless, it was still being used in Charlemagne's time.

Although Pepin published a recension of Lex Salica with an expanded prologue and, like some of his Merovingian predecessors, issued some capitularies, the practice of Germanic law changed relatively little before the reign of Charlemagne. Under the Merovingians, enforcement of the laws had become arbitrary, judges were often corrupt, and the administration of justice lacked organization.<sup>14</sup> Charlemagne initiated a complete restructuring of the judicial system, introducing a large body of new procedure and regularizing that which already existed. His aim was to guarantee every free man, no matter what his circumstances,

equity under the law and protection of his rights.<sup>15</sup> More broadly, Charlemagne wanted to foster respect for and confidence in the law itself. His dispositions were aimed at the eradication of arbitrary acts against people and their property. In order to achieve the effective administration of justice, he instituted regular procedures that were uniform throughout the realm and took measures against the negligent and corrupt behavior of legal officials. Through the missi dominici, whose judicial function Charlemagne created, he organized a system of checks and balances that prohibited men of high rank from using their influence to impede justice and assured that the authority of legal judgments was respected.<sup>16</sup> Additionally, he defined methods of inquest and organized a system of appeals. Although the underlying motive for much of this reform was to increase the control of central authority, no less important was the distribution of responsibility throughout the system necessary to achieve that control.

Charlemagne was the first Germanic king to legislate on a large scale and the first to use legislation as a means of governing. He issued over eighty capitularies, all of a universal nature; even the administrative capitularies often contained articles that created new law or modified existing law. The capitularies were used as well to amend the national laws in a significant way and to modify the conditions under which they could be applied. Charlemagne ordered that complete written versions of all national laws be produced, so that oftentimes ambiguous oral tradition no longer formed the basis for judicial decisions. The Aachen Capitulary of 802 orders judges to

follow written law and to avoid arbitrary decisions. Many codes were written fully for the first time. The two extant versions of Lex Salica were conflated to produce the Karolina, which became the definitive form. Also under Charlemagne, some of the national laws were recorded for the first time. As soon as he thought (prematurely, as it happens) that the Saxons were subdued in 785, Charlemagne had their laws committed to writing. Still other codes were subjected to revision.<sup>17</sup>

At the same time he was seemingly reinforcing the primacy of the national laws, Charlemagne was taking steps to make royal law the more important. While acknowledging the force of tradition in his upholding of the national laws, Charlemagne was in fact merely paying lip-service to a type of law that was for his purposes anachronistic and even divisive. Given his drive for unity and stability through uniformity of practice, Charlemagne was compelled continually to circumscribe the scope of the national laws. Ganshof emphasizes the importance Charlemagne placed (publicly) on the national laws and describes many of his reforms in detail but fails to make the vital observance that Charlemagne was saying one thing while doing quite another.<sup>18</sup>

Charlemagne began to increase the territorial application of the laws, not only in royal legislation but with regard to the national codes as well. To facilitate the functioning of the legal machinery, he outlined exceptions to the personal nature of the law: if there was an insufficient number of freemen of a particular nation in a certain area to justify judges competent in that national law, the accused had



to choose either to move the case to a neighboring venue where such judges were available or to submit to the national law of the majority of the people living in his own region.<sup>19</sup> In addition, many of Charlemagne's capitularies contained articles that were to be appended to all the national laws, thereby insuring a general application of royal law.<sup>20</sup>

Charlemagne also used the national laws themselves to foster respect for the law in general. By requiring that parties to court actions declare their national law at the beginning of the proceedings, he not only ostensibly guaranteed people's rights according to their own traditions but assured that legal officials knew precisely what law they had to consider so that judgments could not be challenged on procedural grounds.<sup>21</sup> Special care was taken so that people would not perceive that their customs were being threatened. In the midst of capitularies actually intended as regulatory measures, Charlemagne reiterated the importance of the national laws while at the same time adding articles that controlled their application.<sup>22</sup> The missi were instructed as well to insure that people's rights were not being abrogated.

Much of Charlemagne's judicial reform was accomplished through delegation of authority, and it is in this area generally that one may perceive the beginnings of the State in western Europe. A considerable portion of the legal reform was based on reorganization of the system. Pepin had done away with the office of Mayor of the Palace (for obvious reasons), and as a result the office of Count Palatine increased in

importance and acquired a judicial function under Charlemagne. A permanent count's tribunal was created to assume some of the duties of the king's tribunal. The Count Palatine directed a regular administrative department created for the drafting of judgments, and he could himself initiate judicial actions. The separation of these functions from the king's tribunal greatly facilitated the efficient administration of justice at the palace court.<sup>23</sup>

The establishment of regular procedure and the elimination of the arbitrary application of the law were significant factors in the creation of an orderly society. Charlemagne was especially concerned about actions that threatened life or property, and such actions merited severe penalties. No free man or serf could be hanged, even if "caught in the act," unless correct procedure had been observed.<sup>24</sup> To control brigandage, a constant threat to the public peace in the early Middle Ages, Charlemagne took special measures: he placed restrictions on the inviolability of immune lands and he limited the right of asylum of churches.<sup>25</sup> He was, nevertheless, alive to possible abuses. Illegal acts committed by a count or other official on the pretext of combatting brigandage resulted in dismissal from office.<sup>26</sup> Many of these provisions aimed at a measure of central control over a pressing problem that, of necessity, had to be left to local jurisdiction.

In his continuing efforts to foster respect for the law, Charlemagne considerably reinforced the authority of local courts. He ruled that cases for which definitive judgments already existed could not be resubmitted to court, and to do so was a misdemeanor.<sup>27</sup> To emphasize

the importance of this measure, Charlemagne added it to all the national laws. To emphasize the fact that judgments of law carried weight, he instituted the practice of issuing diplomas after trials at the palace court and charters at the mallus.<sup>28</sup> The appeals procedures were relied on to guard against abuse in such matters. The creation of the assizes of the missi, which met four times a year in their local areas of jurisdiction, further reinforced the system of justice on the regional level. In the months that the missi did not come, counts of the various regions were encouraged to hold joint sessions that would presumably inspire more confidence in the system by the sheer weight of the counts' collective dignities.<sup>29</sup>

The county court, or mallus, Charlemagne completely reorganized, and this is one of his most significant legal reforms. Whereas before, the court sat at various places determined by custom, Charlemagne designated specific seats and ordered that they be maintained with a prison and gallows. The subordinates of the count who could preside in his absence were limited to the missus comitis and vicecomes.<sup>30</sup> To insure the exact application of the law on the local level, Charlemagne introduced a professional class of judgment finders, called scabini, to replace the traditional rachimburgi, simply a group of free men who were reputed to know the law and were chosen ad hoc for each session of the court. The scabini were to be qualified men who knew the law from experience. At least seven of them had to be present at any given court session. Scabini were appointed permanently by the count or the missi, but remained under the direct control of the latter.<sup>31</sup>



According to traditional Germanic practice, all free men of the district had to attend all sessions of the mallus, an onerous duty for men of lesser means. Charlemagne mitigated this duty by limiting the number of required attendances to three for men of modest circumstances, while men of higher rank and vassals of the count might be required to attend more sessions, since they had the means to do so.<sup>32</sup> Although both Charlemagne and Louis the Pious had to repeat injunctions against the summoning of all free men to every court session, this was, nevertheless, an important reform and contributed toward shifting the burden of government onto those most able to bear it.

Judges in the mallus were ordered to become knowledgeable in the national laws normally used in their areas, and suits dealing with serious cases were to be handled only by the count. Such suits were those dealing with personal liberty or landed property, or those that could result in the death sentence. If the count's presence was not possible, the case was postponed until the next assize of the missi or admitted to the palace court.<sup>33</sup> Charlemagne was greatly concerned with the integrity and honesty of local court officials, and he instructed the missi to monitor their activities for possible abuses.<sup>34</sup> The count, in turn, was responsible for the conduct of his subordinates. Here is yet another manifestation of Charlemagne's profound sense of his own responsibility and that which he required of others. To ease the count's burden, men of rank who caused trouble in their jurisdictions were to be sent to the palace for judgment.<sup>35</sup>

Germanic law, although notoriously silent on procedure and

deficient in methods of forcing compliance, had a process called Rügeverfahren, a type of inquest that allowed a count to initiate an investigation if circumstances warranted it. On the basis of this tradition, Charlemagne created a regular procedure of inquest that could substitute for a complaint brought by a private citizen in a court case. Especially in cases that disrupted the public peace, the count was now able to investigate himself suspicions of serious offense without having to wait for someone to lodge a complaint. The count himself could act as plaintiff for the public good.<sup>36</sup>

The activities of the counts were carefully controlled. The capitularies contain numerous dispositions concerned with negligent or corrupt behavior. For example, a count caught misusing his legal authority was subject to fine or even dismissal. If he did not adhere strictly to regular or summary procedure in imposing the death sentence, he was required to pay the wergeld of the condemned man. Charlemagne particularly emphasized his displeasure at the less than zealous exercise of judicial authority when the plaintiff had insufficient influence to generate fair treatment. At the same time, to prevent influential men from using their authority to keep an accused man from being condemned in court, Charlemagne made it an act of infidelity to the king to defend an unjust cause before a court. Charlemagne extended central control over local courts by requiring counts to attend assizes of the missi, and these assizes replaced sessions of the mallus normally held in those months. Finally, the count was strictly enjoined from postponing court for his own pleasure.<sup>37</sup>

The missi dominici, in the exercise of their judicial powers, had roughly the same competence as the mallus, but higher authority, since they acted directly for the king.<sup>38</sup> Their primary duty was to pronounce the law; they were responsible for publicizing the contents of the capitularies. Their assizes functioned as detached sessions of the palace court. Missi could judge any case they chose to judge and had the power to summon, although only after following the regular procedure for an inquest.<sup>39</sup> Charlemagne delegated cases to them after hearing complaints he chose to allow. Cases most frequently heard by the missi concerned landed property, the status of free men and brigandage. With the exception of the king's decisions, all judgments became law through the missi.<sup>40</sup> The missi also served as a court of appeals for questionable decisions of the mallus.<sup>41</sup>

The palace court was the highest in the system and handled the heaviest case load owing to Charlemagne's appeals procedures. Once a case was judged at the palace court, a diploma was issued stating that the case was settled and terminated. The composition of this court remained unchanged from Pepin's reign: the king presided, assisted by proceres or fideles, among whom were always counts and sometimes household dignitaries, bishops and abbots. An extant placitum mentions royal vassals as judgment finders.<sup>42</sup> At least one Count Palatine was always present, and usually more than one. These men knew the law from experience and therefore their opinion carried weight. The responsibility for drawing up the placita, through which winning parties gained release, rested with the Count Palatine.<sup>43</sup>



A major innovation under Charlemagne was the practice of allowing the Count Palatine to preside when the king was absent. Because of the significant increase in cases heard by the palace court, these instances became more and more frequent. Charlemagne reserved for himself cases concerning bishops, abbots, counts and others of high rank; remaining cases could be heard by the Count Palatine unless, in special circumstances, the king decided to take them himself.<sup>44</sup> In cases of a very serious nature - such as conspiracy, treason or rebellion - judgments were rendered by the diet or by an extraordinary assembly with Charlemagne presiding.<sup>45</sup> The competence of the palace court was, of course, general. Initially, cases under palace jurisdiction were those assigned to it by the national laws. As well, those who were entitled to the special protection of the king, such as churches and persons of high rank, could expect their cases to be heard at the palace. In the last years of the eighth century and especially after 800, more types of cases were included, such as those concerning men who resisted a count when he entered lands of immunity in conformance with the law, Other examples of such cases concerned persons of high rank who caused trouble and men whom counts could not force to observe the laws.<sup>46</sup>

The expansion of the competence of the palace court created immense problems, the most pressing being the heavy case load and the postponement of hearings for extended periods that resulted from it. The source of these problems was Charlemagne himself. Burdened with an increasing sense of responsibility for both the welfare and the moral lives of his subjects, he seemed to think that he could resolve cases

more expeditiously through his personal intervention.<sup>47</sup> Pressure was alleviated to some extent by the division of labor between the king's tribunal and that of the Count Palatine, but the problem continued to plague the palace court through the rest of Charlemagne's reign.

Notable changes in the character of the law itself resulted from Charlemagne's efforts at legal reform. His reign saw the first attempts to distinguish between criminal and civil offenses as recognized by Roman law.<sup>48</sup> There is even some evidence to indicate that Roman law itself was used at least occasionally at the palace court.<sup>49</sup> Charlemagne set time limits on complaints concerning landed property, and beyond a certain point the ownership of property could not be questioned. While by law there was no right to contest a seisin that existed in 768 at the death of Pepin, Charlemagne reserved the right to judge exceptions to this rule.<sup>50</sup> He made efforts to reduce the long and easily-obtainable delays in court appearances allowable under Germanic law by issuing dispositions that set procedure for compelling an accused person to appear in court.<sup>51</sup> Cases concerning churches and those members of society least able to protect themselves - widows, orphans, the poor - had to be handled diligently and with priority if necessary. Violence against these miserabiles personae was especially condemned by the king, to an increasing degree as the reign progressed. Charlemagne made every effort to obtain capable officials and initiate more efficient methods of resolving legal difficulties in order to assure justice for all subjects.

Many of Charlemagne's most innovative legal reforms were in the

area of procedure, which, as noted above, is vague in the national laws. Procedure before appearance in court was standardized in order that every subject had a better chance of vindicating his rights. Introduction of the inquest was particularly effective in cases where a complaint was difficult or impossible to get because of intimidation by influential men.<sup>52</sup> Charlemagne reserved to himself the right to pardon anyone condemned to death and to restore his full rights.<sup>53</sup> Writs from the palace could be obtained to transfer cases from the mallus to the missi, and appeals to the missi were possible in certain circumstances after judgment had been handed down at the mallus.<sup>54</sup> Appeal to the king was open, if he allowed it, when a person feared to institute a complaint of false judgment against local court officials.<sup>55</sup> In addition, Charlemagne expanded the range of methods of proof that could be used in court and, in general, facilitated the use of the oath. However, he mandated that oaths of purgation be sworn in churches or on relics in order to be valid.<sup>56</sup> Possibly to spare accused persons the risk of committing perjury, for which the penalty was loss of one's right hand, Charlemagne expanded the use of the judicial duel as an alternative to the oath. All methods of proof were subjected to new regulations and their procedures were made uniform. Failure to observe the new procedures invalidated the proof. Finally, Charlemagne expanded and regulated the use of testimonial proof as provided for in Frankish law.<sup>57</sup>

There is evidence that Charlemagne worried about the religious and moral legitimacy of some traditional Germanic methods of proof and



that he attempted to mitigate their severity in some cases. Because of this concern, he introduced the proof of the cross as a subsidiary proof when accompanied by the written testimonial of witnesses.<sup>58</sup>

That many of these innovations gained acceptance follows from the fact that procedures obtainable originally as favors of the king came to be demanded as rights by the end of Charlemagne's reign.

Charlemagne introduced a new kind of inquest that resembled testimonial proof but arose from the action of an official rather than from a party to the case. The king, missi or counts themselves named witnesses and ordered them to give evidence under oath. This was first used at the palace court and reserved solely for the king; it was one of Charlemagne's measures designed to establish his royal rights. Later its use was expanded to the missi and still later to the mallus. This procedure was used primarily at trials involving landed property, especially of a church, but occasionally of an individual. Churchmen at the assembly at Aachen in the fall of 802 asked for this procedure as a right and not merely as a royal favor occasionally granted.<sup>59</sup>

Reforms in procedure after judgment were also introduced. Judges were to issue written orders to losing parties concerning the execution of the judgment, thereby significantly reinforcing their authority by the use of documentation. Losers received notitiae that ordered them to invest plaintiffs with their due.<sup>60</sup> Henceforth, judges at the mallus could dispense with an oral pledge from the condemned party, which was far less easy to enforce.<sup>61</sup> If the condemned refused to execute the judgment or pledge to do so within a specified amount of time, he could

be placed under the bannum, which in addition to carrying a very high fine deprived him of the use of his home and property and placed him outside the law. In such cases, others were forbidden to help him in any way, under penalty of fine.<sup>62</sup>

Charlemagne expanded considerably the appeal of false judgment that his father had instituted.<sup>63</sup> This procedure was restricted to the king's court because it was a complaint lodged directly against both the presiding official and the judgment finders of local courts. If the palace court upheld the complaint, it issued a new judgment and fined the judge responsible for the false one.<sup>64</sup> Occasionally this duty was delegated to the missi. People who belatedly decided to use this procedure were subject to special rules. In effect, when a judgment was handed down by the mallus, parties to the case had to agree to accept it or initiate an appeal. One who failed to make that decision was put into custody until he made his choice. He then needed special permission to appeal his case.<sup>65</sup> All procedure for false judgment was standardized throughout the kingdom. The complaint of false judgment in Germanic law was the nearest equivalent to the inquest proper in Roman law.

In addition to regular procedure, Charlemagne also standardized summary procedure. For instance, Germanic law had a variety of summary procedure for cases in which a criminal was caught committing a crime or if he was pursued and apprehended by the victim while still in possession of the stolen object or the weapon he had used, or else had blood on his hands or exhibited other signs of criminal activity. He

could be presented for judgment by the victim, and, in such cases, the judge could act without scabini in resolving the case. If the judge found for the victim, the criminal was allowed no plea of defense and was summarily hanged.<sup>66</sup>

Charlemagne changed very little of summary procedure because it was effective in the suppression of brigandage, but he did take steps to protect both individuals and officials who used it. However, Charlemagne was, as usual, aware of the possibility of abuse inherent in such procedure.<sup>67</sup> Therefore, in a capitulary that addressed the problem of brigandage, Charlemagne clearly differentiated between arrest of a brigand caught in the act and the accusation of brigandage, an important distinction that underscores his concern for equity under the law.<sup>68</sup> As noted above, limitations on both immunity and asylum helped officials enforce the laws against brigands.

A significant contribution to the establishment of law and order was Charlemagne's determination to control and limit the use of the faida, or feud. In his mind, control of the faida was crucial to the maintenance of the public peace. Clearly he could not prohibit outright the practice, but he could institute legal procedures that would make it more difficult to seek vengeance as a means of resolving problems. He began as early as 779 to promote monetary settlement in lieu of the feud, a procedure provided for in the law codes.<sup>69</sup> A person refusing a proposed monetary settlement was forcibly moved elsewhere to prevent his use of faida. If the perpetrator of the crime refused to settle by means of payment or court appearance when this was acceptable



to the victim or his family, he was also forced to relocate. The immediate effect of these measures was to render faida impossible unless both parties rejected other means of settlement.

In the Admonitio Generalis of 789, Charlemagne ordered his officials to prosecute persons who murdered for vengeance; this was the first legislation against faida to be recorded.<sup>70</sup> After 800 there were further measures taken against faida: the guilty party was required by law to offer adequate compensation or be sent to the palace for judgment, and his possessions were seized. The king could then impose whatever punishment he deemed fitting. Binding sanction on the victim as well as the perpetrator was included in the Capitulary of Thionville (805), in which the missi were instructed to examine all cases of faida and compel both parties to settle, again, with recalcitrants being sent to the king. Those who committed an act of vengeance after a sworn agreement or a judicial decision came under special censure in the new regulations. One who killed in violation of such agreement had to pay both the wergeld and the fine of the bannum, which was prohibitive. In addition, he suffered the usual punishment for perjury - his right hand was cut off.<sup>71</sup>

All of Charlemagne's legal reforms demonstrate his absolute conviction that order and stability in society could be maintained through the imposition of an organized and efficient legal system. His thoroughness and attention to detail reflect, again, his concern for the welfare of all his people, as well as his belief that equity under the law could be assured through central control and standardized

practices. From the capitularies it is evident that Charlemagne held these convictions from the very beginning of his reign. His determination to govern through the law - through royal legislation covering every aspect of daily life - defined a basic characteristic of the emerging medieval State.

## NOTES TO CHAPTER IV

1. Karl von Amira, Germanisches Recht, rev. K. A. Eckhardt, Grundriss der germanischen Philologie, part 5, 4th ed., 2 vols. (Berlin, 1960), 1:79-80, says that names of leading "law-speakers" were preserved in tradition; Dorothy Bethurum, "Stylistic Features of the Old Germanic Laws," Modern Language Review 27 (1932):266-71, describes the "law-speakers" and their use of poetic devices.

2. Von Amira, Germanisches Recht, 1:1-15; Wallace-Hadrill, Early Germanic Kingship, pp. 1-20; Katherine Fisher Drew, The Burgundian Code: Book of Constitutions or Law of Gundobad and Additional Enactments (Philadelphia, 1949; reprint ed., with a Foreword by Edward Peters, 1972), pp. 3-4; Frederick Pollock and Frederic William Maitland, The History of English Law Before the Time of Edward I, 2nd ed., 2 vols. (Cambridge, 1898; reprint ed., with an Introduction by S. F. C. Milsom, 1968), 1:5-9; Kern, Kingship and Law, pp. 149-59.

3. Von Amira, Germanisches Recht, 1:5.

4. Lex Salica, ed. K. A. Eckhardt, MGH, Legum Sectio I, vol. 4, part 2 (Hannover, 1966), prologus.

5. Drew, Burgundian Code, Preface, First Constitution, p. 21.

6. Von Amira, Germanisches Recht, p. 57.

7. Felix Liebermann, Die Gesetze der Angelsachsen, 3 vols. (Halle, 1903-16), 2:17, 90, 100.

8. MGH Lex Salica, cap. 35, cc. 3, 4. Translation in Theodore John Rivers, Laws of the Salian and Ripuarian Franks (New York, 1986).

9. Wallace-Hadrill, Long Haired Kings, pp. 121-47, and Early Germanic Kingship, pp. 41-43.

10. Patrick Wormald, "Lex Scripta," in Sawyer and Wood, eds., Early Medieval Kingship, pp. 106, 112.

11. Frederic William Maitland and Francis C. Montague, A Sketch of English Legal History (New York, 1915; reprint ed., 1978), p. 5. Speaking of England, but valid for all Germanic law, Maitland writes with his usual eloquence that "...a new force is already beginning to transfigure the whole sum and substance of barbaric law, before that law speaks the first words that we can hear."

12. Wallace-Hadrill, Long Haired Kings, p. 181.



13. Pollock and Maitland, History of English Law, 1:8.
14. On Merovingian decline, see Geary, Before France and Germany, pp. 179-220; Wallace-Hadrill, Long Haired Kings, pp. 231-48; Ferdinand Lot, The End of the Ancient World and the Beginnings of the Middle Ages, trans. Philip Leon and Mariette Leon (London, 1931; reprint ed., New York, 1961), pp. 337-45. For a contemporary, though biased, account, see Chronicle of Fredegar, ed. Wallace-Hadrill.
15. Numerous capitularies exhibit Charlemagne's desire for equity under the law, among them Herstal, Admonitio Generalis, Frankfurt, Aachen 802 and Thionville. MGH Capitularia, no. 21, pp. 35-39; no. 30, pp. 53-67; no. 34, pp. 71-75; no. 43, pp. 90-96; no. 71, pp. 131-35.
16. Capitulary of Herstal, *ibid.*, no. 21, pp. 35-39. See also Halphen, Charlemagne, pp. 107-8. Alcuin even cautioned Arno of Salzburg against bribes, Fichtenau, Carolingian Empire, p. 116.
17. MGH Capitularia, no. 43, pp. 90-96, says, "Ut iudices secundum scriptam legem iuste iudicent, non secundum arbitrium suum." Additional capitularies: no. 53, pp. 112-14; no. 55, pp. 117-18; no. 57, pp. 120-21; no. 64, pp. 125-26. These all added to the national laws. The second Saxon capitulary, no. 35, pp. 75-76, gives Charlemagne precedence over local laws.
18. Ganshof, Frankish Institutions, pp. 71-73. In general, Charlemagne did not update or otherwise systematically revise the old laws in order to make them correspond with contemporary problems; rather he added his own laws for that purpose. See n. 17 above.
19. *Ibid.*, p. 72. For diploma and charter evidence, see MGH Diplomata Karolinorum, vol. 1
20. For example, MGH Capitularia, no. 57, pp. 120-21.
21. *Ibid.*, no. 45, pp. 99-101.
22. *Ibid.*, no. 44, pp. 96-99.
23. Halphen, Charlemagne, pp. 112-13; Boussard, Civilization of Charlemagne, p. 30.
24. MGH Capitularia, no. 21, pp. 35-39.
25. *Ibid.*, no. 21, pp. 35-39; no. 27, pp. 48-50; no. 53, pp. 112-14.
26. *Ibid.*, no. 21, pp. 35-39; no. 84, pp. 152-53. On problems

with officials, see also Fichtenau, Carolingian Empire, p. 105.

27. MGH Capitularia, no. 53, pp. 112-14.

28. These have been collected in Formulae Merovingici et Karolini aevi, ed. K. Zeumer, MGH, Legum Sectio V, vol. 1 (Hannover, 1886).

29. MGH Capitularia, no. 100, pp. 174-75.

30. Ibid., no. 43, pp. 90-96.

31. For a comprehensive treatment of the scabini, see Ganshof, Frankish Institutions, pp. 76-78.

32. MGH Capitularia, no. 71, pp. 131-35; no. 87, pp. 155-57.

33. Ibid., no. 92, pp. 162-63; no. 100, pp. 174-75.

34. The missi were instructed to be on the alert for possible abuses as early as 789 in the Admonitio Generalis, *ibid.*, no. 30, pp. 53-67.

35. Ibid., no. 43, pp. 90-96.

36. Charlemagne urged officials to take action pro bono publico in the case of the disadvantaged in numerous capitularies. For Charlemagne's concern for his subjects set into the wider context of salvation, both his and theirs, see Wallace-Hadrill, Frankish Church, pp. 189-90.

37. Capitularies with dispositions against abuses by regional officials include Aachen 802, Thionville, Aachen 809, and Boulogne. MGH Capitularia, no. 43, pp. 90-96; no. 71, pp. 131-35; no. 87, pp. 155-57; no. 99, pp. 172-74.

38. "Quod missos nostros ad vicem nostram mittimus," Aachen Capitulary of 809, *ibid.*, no. 87, pp. 155-57.

39. Ibid., no. 43, pp. 90-96.

40. Versus Teudulfi episcopi contra iudices, in Poetae Latini aevi Carolini, ed. Ernst Dümmler, MGH, Poetae Latini medii aevi, vol. 1, 493-520. In Theodulf's account of his duties as a missus with Leidrad of Lyon, he makes it clear that they are making decisions.

41. Ganshof, Frankish Institutions, p. 82, 94.

42. Ibid., p. 83.

43. See n. 23 above.

44. MGH Capitularia, no. 100, pp. 174-75. Einhard tells us about Charlemagne hearing cases while he is dressing, MGH Einhardi Vita Karoli Magni, ch. 24.

45. Such cases include the trial of Duke Tassilo of Bavaria at Ingelheim and the trial of Pepin the Hunchback and his accomplices at Regensburg. MGH Annales et chronica, Annales Laureshamenses, sub anni 788, 792.

46. MGH Capitularia, no. 43, pp. 90-96, and in numerous instructions to missi.

47. Donald Bullough points out that Charlemagne trusted his own judgment first and last, a contention that is borne out by all the legal evidence especially. The capitularies clearly indicate that Charlemagne believed he was carrying out the will of God, a conviction that enabled him freely to arrange the affairs of the Church. Age of Charlemagne, p. 94.

48. The distinction was made between criminal cases, causae maiores, and civil cases, causae minores. Halphen, Charlemagne, p. 132.

49. Luitpold Wallach, Alcuin and Charlemagne, pp. 109-16.

50. MGH Capitularia, no. 100, pp. 74-75.

51. Ibid., no. 55, pp. 117-18, for example.

52. See n. 37 above.

53. MGH Capitularia, no. 87, pp. 155-57.

54. See n. 41 above.

55. For procedure in cases of false judgment, see nn. 63-65 below.

56. Geary, Furta Sacra, p. 43.

57. Methods of proof are regulated in numerous capitularies, including those that extended the national laws. MGH Capitularia, no. 53, pp. 112-14; no. 55, pp. 117-18; no. 68, p. 129; no. 71, pp. 131-35; no. 87, pp. 155-57.

58. Ganshof, Frankish Institutions, pp. 88-89.

59. Ibid., pp. 91-92. Numerous formulae and monastery records attest to this procedure. MGH Capitularia, no. 100, pp. 174-75, has a disposition concerning witnesses for it.



60. Ibid., no. 34, pp. 71-75, provides for notitiae at the palace court.

61. MGH Formulae, pp. 189, 207, 213-14, for the mallus.

62. MGH Capitularia, no. 97, pp. 169-70, describes the punishment of the bannum.

63. Ibid., no. 13, pp. 22-24.

64. Ibid., no. 35, pp. 75-77 (for the Saxons); no. 65, pp. 126-27 (for the Bavarians); no. 71, pp. 131-35 (general application).

65. Ibid., no. 71, pp. 131-35.

66. Most Germanic law codes had this procedure. See Ganshof, Frankish Institutions, pp. 94-95, for description.

67. MGH Capitularia, no. 21, pp. 35-39.

68. Ibid., no. 68, p. 129. No. 71, pp. 131-35, reinforces it.

69. Ibid., no. 21, pp. 35-39.

70. Ibid., no. 30, pp. 53-67, required judges to prosecute for homicide. Wallace-Hadrill, Early Germanic Kingship, pp. 107-8, stresses that this is the first legislation against faida.

71. MGH Capitularia, no. 71, pp. 131-35.

## CHAPTER V

### ECONOMIC REFORM

As in other areas of political and social organization, Charlemagne sought to impose central control in the economic sphere and to achieve uniformity of practice throughout the empire. His efforts resulted in fundamental changes that, in effect, provided a new economic structure. The economic ties that flowed from these reforms, in turn, linked the various parts of the empire more closely together. Considerable expansion occurred in both local and long distance trade, coinciding with the introduction of an ambitious building program and a flowering in the arts. Weights and measures were standardized, and coinage was reformed and brought under the direct control of the palace. Improvements in agrarian methods increased productivity on the land and raised the nutritional level in the diet of the people. Commercial activity was subject to strict regulations. Even translation of relics was controlled by the central authority.<sup>1</sup>

Political consolidation of the empire, that is, the extension of central authority through a network of local administrators, required central control of the economy, since such an administrative network depended on local economic support. Additionally, greater central direction of the economy was also necessary to increase royal revenues. As already noted in part, economic changes within the empire included an increase in rural production, but also an expansion of internal trade together with increased movement of commodities. On the international level, there was the creation of the Baltic trading emporia, whose rise

and fall mirror a rise and fall in the prosperity of the Carolingian Empire. As well there was trade with Anglo-Saxon England and other foreign entities,<sup>2</sup> and, possibly, the purchasing of large amounts of Abbasid silver through Frisian and Scandinavian intermediaries.<sup>3</sup>

In the Europe of the early Middle Ages, the most important measure of wealth was ownership of land. The manorial economy that arose in the late Roman Empire followed from a need for a local administrative structure to replace the declining central authority of Rome. Left without connections to a centrally-controlled economic network, cities declined, and the settlements that remained were economically tied to the surrounding countryside. The development of an essentially closed economy continued throughout the Merovingian period and into the Carolingian. The manorial demesne, or villa, consisting of local lord, his officials, retainers and peasants, constituted a self-sustaining community. These communities provided the basis for the parochial system later imposed by Charlemagne.<sup>4</sup>

The system of demesnes in Frankish lands showed greater flexibility than might appear on the surface, especially during the reign of Charlemagne, owing to two factors - Frankish inheritance practices and expansion of available land. Because of the Frankish custom of dividing the family patrimony equally among sons, demesnes were constantly being broken up into shares, or manses, and these shares, often separated from one another, tended to become economically independent units. To balance the process of division, however, new demesnes constantly became available as a result of the clearing of wasteland, settlement on



peripheral lands, and, most importantly, conquest.<sup>5</sup> Lands conquered by Charlemagne were immediately organized into controllable political and economic units, both secular and ecclesiastical. Charlemagne installed counts on large demesnes and founded bishoprics and monasteries endowed with considerable grants of land. As a result, the primitive social organization in these areas was rapidly brought into conformity with the rest of the kingdom. The expansion in the number of villas thus aided in the dissemination of the manorial system.<sup>6</sup>

Manorial surpluses were generally traded at small local fairs, which were held about once a week and involved only a small volume of goods. Craftsmen such as potters, weavers and smiths traded their wares for agricultural produce. Peddlers occasionally travelled between markets, but as a rule these local fairs played no significant part in the economy as a whole.<sup>7</sup> Large regional fairs were held at popular locations, usually around an annual feast day, attracting itinerant merchants and traders from a wide area.<sup>8</sup> Some, like the fair at St. Denis, dated from the seventh century. Both the number of fairs and their size greatly increased during the reign of Charlemagne. Agricultural and industrial surpluses were exchanged for the necessities and the luxuries unobtainable locally; items most commonly traded included wine, honey and dye-stuffs. The largest of these fairs were frequented by foreign merchants, especially the English.<sup>9</sup> The appearance and spread of local markets formed a new beginning in the economic growth of western Europe, and the proliferation of Charlemagne's new silver coinage stimulated its expansion. (A relationship between

markets and coinage, while not strictly necessary, is arguable in this case.)<sup>10</sup> The existence of towns of several thousand inhabitants, such as Tours, Poitiers, Avignon, Arles, Cologne, Metz, Paris and Milan, suggests an active regional commercial scene. A certain degree of prosperity follows from the fact that, in towns sacked by the Vikings, booty was taken from private homes as well as from churches.<sup>11</sup>

The creation of large demesnes increased agricultural and craft surpluses, further stimulating commerce. These surpluses were more substantial than those traded at local and even regional markets and were transported along rivers and established land routes to be sold at distant markets. Cereal grains represented an important commodity in long-distance trade, and in times of decreased production Charlemagne prohibited their exportation. The most popular item in the long-distance trade, however, was wine. To meet the growing demand for wine, extensive new vineyards were planted along the Rhine and the Loire, and the production of wine became a thriving industry in these areas.<sup>12</sup>

Charlemagne used both agricultural and industrial surpluses, as well as revenues derived from the sale of agricultural produce locally, to finance some of his programs. Equally as important, transportation of these goods beyond local and regional confines guaranteed a constant movement of goods along commercial routes. The detailed instructions for the management of royal estates contained in the capitulary De Villis, as well as a surviving brevium exempla giving accounts of estate and monastery production, indicate that they were models of efficient planning and careful accounting.<sup>13</sup> Every year on Palm Sunday,

administrators of royal demesnes were required to bring both surplus goods and profits from crops to the palace. Duby concludes that all the evidence suggests that excess production of the great demesnes underpinned growth in trade and development of river ports and merchant communities in the ninth century.<sup>14</sup>

Small-scale artisans' workshops existed in monasteries and important commercial centers throughout the empire, and monks and aristocracy controlled distribution of their products. Increased production of pottery, glass and querns resulted from concentration of production in specific areas, a Roman practice that Charlemagne reintroduced. Trier, for example, became famous for its glass, the Eifel Mountains for querns, and the Vorgebirge area near Cologne for pottery.<sup>15</sup> Charlemagne's awareness of the importance of these crafts to the economy can be seen in his requirement of detailed accounting of such activities on the royal estates in the capitulary De Villis.<sup>16</sup>

In addition to Franks and other native peoples, the merchant class in the realm included Jews, Arabs, Frisians, Scandinavians and Anglo-Saxons.<sup>17</sup> Some Frankish merchants traded beyond the boundaries of the kingdom, but most international trade flowed through intermediaries. Long-distance commerce was channelled through trading emporia established and controlled by the crown through local aristocracy, although the inhabitants of the emporia themselves consisted almost exclusively of foreign merchants.<sup>18</sup> Charlemagne apparently granted monopolies to some privileged merchants, undoubtedly in return for some service to the crown. Additionally, a special class of merchants



received immunities in return for serving the needs of the court. Abbey merchants, such as those of St. Denis, were often granted exemptions from tolls as part of their immunities.<sup>19</sup>

Sometimes professional merchants worked for themselves or on commission from wealthy lay or ecclesiastical persons. They transported provisions from one end of the empire to the other; wheat, wine, salt and iron comprised their most important commodities. Occasionally professional merchants worked in partnership with Frisian traders or Arab traders from Spain.<sup>20</sup> Theodulf of Orleans gives evidence of commerce with Arabic Spain in his report of a visit to Arles in the far South.<sup>21</sup> Some merchants apparently smuggled arms, for Charlemagne was forced to legislate penalties against trade in arms to circumscribed areas.<sup>22</sup>

Further evidence for a rising class of merchants exists in the regulations for payment of the heribannum, a fine levied on those who failed to obey the summons to military service. This appears to be the first record of an equation between the ownership of land and the possession of moveable wealth.<sup>23</sup> The Capitulary of Thionville equates those who have a revenue of six pounds with the owner of four manses, both of whom are liable for military service.<sup>24</sup> Thus we can see that Charlemagne, at least with respect to civic responsibility, concerned himself with the relative values of land and moveable property. In the social structure, however, owners of moveable property, even if wealthy, were inferior to landowners, because they had no position of authority and no dependents to offer the army.

Charlemagne subjected all commercial activity to strict regulations. On the domestic front, he intervened regularly to control rising prices - although this rise was uneven rather than steady - and imposed price ceilings on all commodities. His primary concern, however, was to control the price of food. Charlemagne's guidelines defined the "just price," which freely translated into the "market price."<sup>25</sup> Legislation to fix maximum prices was established at the Council of Frankfurt in 794 after the famine of the previous year drove up food prices. Conditions of sale as well as prices of goods were fixed. Charlemagne himself set an example by ordering that grain from his own estates be sold at a lower price.<sup>26</sup> In 805, he found it necessary once again to fix food prices and to prohibit the sale of grain outside the empire. In 806 he overhauled the price scales to accommodate the rising market and strictly forbade hoarding and other forms of speculation. The Aachen capitulary of 809 reflects concern for the plight of cultivators who were forced into selling below price before the harvest and consequently faced economic ruin.<sup>27</sup>

Measures concerning long-distance trade sought to regulate the flow of commerce and to profit from it. Charlemagne closely supervised dues and tolls. Fees were levied on merchandise in transit, at ports and on main roads and were collected at toll booths and on turnpikes designated by the crown. By long tradition the king was responsible for public highways, which in effect made them his roads. Those taxes already in existence were preserved, and new ones were created. The chief taxes on commerce were teloneum (on the circulation of goods and

their sale at the market), rotaticum (on means of transport), pontaticum (passage over bridges), ripaticum (right of moorage) and pulveraticum (on grinding).<sup>28</sup> The Capitulary of Thionville strictly forbade imposition of market dues on people carrying goods for their own use rather than for trade.<sup>29</sup>

Extant correspondence between Charlemagne and Offa of Mercia provides insight into the conduct of international trade in the Carolingian era.<sup>30</sup> The Anglo-Saxons had always maintained an active trade with the ports of the Seine and with St. Denis, but this trade ceased in the latter half of the eighth century for unknown reasons. Some of this trade, at least, had been in cloth, for surviving evidence indicates that English cloth was known in Francia. Moreover, this cloth was apparently of a certain size, suggesting that foreign merchants trading in Francia were subject to Carolingian measuring standards. Notker, in the Gesta Karoli Magni, mentions a prohibition on the Frisians against the sale of a "short cloth."<sup>31</sup>

Negotiations between Charlemagne and Offa in 791, through the offices of Alcuin, resulted in resumption of trade between Francia and Mercia. In a letter accompanying a gift of Avar war gear to Offa, Charlemagne guarantees English pilgrims enroute to Rome the right to pass through Frankish territories without fear of molestation. He adds, however, that he will not tolerate merchants who disguise themselves as pilgrims to avoid tolls! Charlemagne alludes to the resumption of old arrangements regarding protection for English merchants, including recourse to himself or his officials in case of trouble, and he



indicates that he expects reciprocal protection for Frankish merchants in England. It is interesting to note that Charlemagne apparently offered these terms in response to overtures from Offa, which suggests that Mercia suffered more than Francia during the hiatus in relations.<sup>32</sup>

During the reign of Charlemagne a large-scale trading network, controlled by Frisians and Scandinavians, centered on the Baltic Sea. Trade between the Carolingian Empire and the Baltic network passed through several established trading emporia, such as Dorestad, Quentovic and Haithabu, sites that have yielded archaeological evidence pointing to a great expansion in activity after 780.<sup>33</sup> There may have been thousands of people directly or indirectly involved in this network. The emporia were planned communities, established and controlled by king and aristocracy strictly for purposes of commerce. Trade through these emporia was exclusively between the Rhineland and the North, according to evidence, reflecting resumption of the old pre-Roman trading axis in western Europe. Remains at Dorestad are almost totally composed of Rhenish goods and reflect no other trading partners for that emporium.<sup>34</sup> The court at Aachen sought commodities from the North that it could not obtain without the services of the Frisians as intermediaries.

It has been hypothesized that large quantities of silver from the Abbasid caliphate in Baghdad under Harun al-Rashid followed the northern route into Carolingian Europe and played an important role in financing the Carolingian Renaissance.<sup>35</sup> However, despite a matching economic boom in the Abbasid Empire and certain similarities between

Carolingian and Abbasid coins, the emergence of the silver standard in the empire can more easily be explained in terms of silver mines owned by the crown in Bohemia, the Harz Mountains, and Melle and Poitou in Gaul.<sup>36</sup> That the Baltic trade was lucrative is not in question. Godfred, leader of the Danish confederation, was willing to take considerable risk in forcibly uprooting the trading settlement at Reric (Alt-Lübeck) to relocate it just inside his southern boundary at Haithabu. Faced with the wrath of Charlemagne (considerably exacerbated by the death of his beloved elephant enroute), Godfred's men assassinated him and concluded peace with Charlemagne.<sup>37</sup> Godfred's calculated gambit paid off, ironically, as Haithabu flourished and became an important trading center.<sup>38</sup>

Archaeological evidence at Dorestad and other sites suggests great expansion in the Baltic trade between the 780's and the 820's. Considering the Rhenish character of the evidence at Dorestad, it is probable that this expansion resulted from an increase in demand for specialized goods by the Carolingian court. Expanded commercial activity is also indicated by an increase in market fees within the empire.<sup>39</sup> Rapid expansion of northern trading emporia at this time corresponds with Charlemagne's initiation of a large-scale construction program, suggesting that at least some of the profits from the economic boom in the North went into building projects.<sup>40</sup> Much of the construction of the palace complex at Aachen took place between 789 and 794. Church architecture was conceived in grander terms than ever before. Numerous Merovingian churches, including Cologne cathedral,

were completely remodelled.<sup>41</sup> New churches were of impressive size. The Plan of St. Gall gives an indication not only of size but of the attention to detail in these projects. Whether the Plan was meant to be an actual working design, a general schema or the conception of an ideal, it is a remarkable creation, reflecting unity and harmony. The extant copy was executed on parchment between 820 and 830 from a lost original, the date of which is unknown.<sup>42</sup> Since the actual church building at St. Gall was scaled down by Louis the Pious, it seems reasonable to assume that the plan could have been executed for Charlemagne during the above-mentioned period of building activity.<sup>43</sup> Certainly it reflects Charlemagne's preoccupation with order and organization, as well as the emphasis he placed on the role of monasteries in his educational and Church reform.

It may be argued that the decline in long-distance trade in the 820's corresponded with the onset of the troubles of Louis the Pious; it seems plausible that the decline was at least a contributing factor. Whether the decline was a catalyst for social unrest or was merely symptomatic of it, it no doubt played a role in the civil wars of the decade of the 830's.<sup>44</sup>

Recent archaeological evidence seems to indicate that the peasants of the Carolingian period had a comparatively high level of nutrition in their diet. There are several possible reasons for this. Demographic statistics show that the countryside was less densely populated during this period than in either the late Roman Empire or the later Middle Ages; thus the land had to support fewer people.



It may also be owing in part to the fixed farming routines characteristic of a closed economy.<sup>45</sup> It is most likely, however, that the increased nutritional level is a result of the introduction of the three-field system of crop rotation, one of the greatest agricultural innovations of the Middle Ages, a combination of the northern and southern systems of planting that was superior to both.

The first documentary evidence showing use of the new system is found sub anno 768 in the records of the monastery of St. Gall.<sup>46</sup> It seems more likely that changeover to the three-field system would be implemented in large holdings, where an altered division of the land would be far less disruptive than among small shareholders owning scattered strips. This was the beginning of agrarian improvement under Charlemagne. Productivity increased by one third. The large-scale planting of legumes resulted in two distinct benefits: legumes enriched the soil instead of depleting it, and legumes added substantially to the protein content of a diet previously made up almost entirely of carbohydrates - mainly bread made from winter grains. In addition, the new supply of oats from the spring planting increased the number of horses as well as their work capacity. The first depiction of the modern harness occurs in the Trier Apocalypse, an illuminated manuscript dated circa 800.<sup>48</sup>

Ample evidence exists that Charlemagne realized the importance of the three-field system and encouraged its implementation. Lynn White points out that Charlemagne thought this innovation so important that he renamed the months in terms of it: where before the fields

were ploughed in October or November for the sowing of the winter crop, in the new nomenclature June became "ploughing month," when the fallow was ploughed, and August "harvest month" for the spring crop. The capitulary De Villis calls for the implementation of the three-field system on royal estates.<sup>49</sup> De Villis demonstrates Charlemagne's eye for detail of every kind; he took a deep personal interest in all his estates and visited them on a regular basis during his progresses around the empire.<sup>50</sup> Like the king's estates, areas under the control of monasteries were large and therefore more open to agrarian reform, both because there was a tighter degree of control and because they were, as has been mentioned, large enough to divide easily. David Herlihy points out that in Christendom as a whole, the area under control of monasteries tripled between 751 and 825, which forced them to keep more careful records and to consider more efficient agrarian policies.<sup>51</sup> Many examples of their accounting survive.

The most important economic reforms of Charlemagne's reign, fundamental to all others, were the standardization of weights and measures and the monetary reform that accompanied it. These reforms were imposed authoritatively and systematically in a series of capitularies and were part of a deliberate plan to give Charlemagne complete control over sources of revenue needed to finance his administration. Apart from income from his own demesnes and the sporadic income derived from spoils of war, Charlemagne needed additional revenues. Since the Merovingians had been unable to maintain Roman methods of direct taxation, such as land and poll taxes, and since the Carolingians could not

reestablish them owing to entrenched tradition and the fact that land had become the measure of wealth, Charlemagne had to rely on indirect measures. Even he could not introduce direct taxes and expect to collect them with any degree of success.

Charlemagne used two methods of earning revenue that were universally accepted in eighth-century Europe. Both depended on strict control of monetary and measuring standards. The first imposed indirect taxes on commercial activity, such as customs dues and tolls, and the second controlled the minting of money, which involved profits for the State. A third traditional "tax," the "gift" all free men were obliged to bring the king on the occasion of the annual assembly, was theoretically voluntary but in reality had become obligatory custom.<sup>52</sup>

Standardization of weights and measures first appeared in the Admonitio Generalis of 789. Clause 74 of this capitulary outlines the distribution of the new standards, to which all local ones must conform. Charlemagne states that "equal and exact measures should be employed by all so that, in cities as in monasteries and villas, just and equal amounts will be bought and sold."<sup>53</sup> Charlemagne increased the weight of the pound by 25% over the Roman pound. Not all existing measures were affected, however. Charlemagne's intention was to standardize, not simply to alter. Other measures suffered drastic revision.<sup>54</sup> In addition, the dispositions included some fundamental modifications in the way measures were reckoned.

Standardization of weights and measures was linked to reform of the coinage. The silver penny, or denier, had been introduced in the



late Merovingian period, but it never gained wide acceptance as a means of exchange. Moreover, the Merovingians lost all control over minting of money, and the weight and composition of coins were determined by each private minter and therefore varied considerably. The currency fell into a state of advanced decay, and all confidence in the exchange value of Frankish money disappeared. Either Byzantine nomisma were used for payment, or Frankish coins were melted down and the pure metal weighed.<sup>55</sup> Pepin began coinage reform by introducing a silver standard linked to the weight of gold: twelve deniers (denarius) to the shilling or sou (solidus) and 240 deniers to the pound or livre (libra).<sup>56</sup> He ordered that weight and composition of coins be tested and that the name and monogram of the king be imprinted on each coin, thereby reintroducing the notion that money was publicly guaranteed. From these tentative beginnings, Charlemagne proceeded to full monetary reform.

The initial step taken by Charlemagne was to standardize the weight of the denier in all parts of the realm. He also transformed its shape to the larger and thinner coin that became common for most of the Middle Ages. He upgraded the silver content by one-third in accordance with the new standards in weights and measures so that a proportionate relationship was established. Philip Grierson has shown that the increase in weight of the denier from 1.3 grams to 1.7 reflects Charlemagne's transition from a weight system based on barley grain to one based on wheat grain.<sup>57</sup> The reformed denier, equal to 32 Paris grains, remains the basis of our system today. 240 reformed deniers equalled

409 grams, almost exactly the medieval poids de table of fifteen Paris ounces (a mint pound as opposed to a commercial pound).<sup>58</sup> By upgrading the silver content of the denier without increasing its face value, Charlemagne gave the coinage greater buying power and enhanced its credibility as a medium of exchange. To encourage the usage of currency on the local level, he had a half-denier, or obol, struck.

Charlemagne put the full weight of the crown behind his currency, guaranteeing its weight, purity and value. The capitulary of Frankfurt of 794 states, "As regards the denier, let it be known that we have decided that these new deniers will have currency in every place, every city and in all markets, and will be accepted by everyone, for they carry our name and will be pure money of good weight."<sup>59</sup> The reformed denier was clearly intended to restore public confidence in the currency. In subsequent capitularies, Charlemagne established penalties for refusal to accept the new coinage. Officials who failed to enforce the dispositions were subject to penalties as well.

The second phase of Charlemagne's monetary reform brought the coinage under his direct control by restricting minting to the palace. In the Capitulary of Thionville of 805, Charlemagne ordered that no coin be struck except at the palace unless special arrangements were made under royal authority.<sup>60</sup> Coins already in circulation before publication of the capitulary were to be accepted so long as they were of good weight and metal. The missi received instructions to investigate counterfeiting in their districts and to shut down unauthorized mints. Penalties for counterfeiting included fines for free men,

flogging for unfree.<sup>61</sup> By restricting minting to the palace Charlemagne added a further guarantee to his currency: it was now clear where and by whose authority coins were struck.

Acceptance of the new coinage was not without problems, however, evidence for which consists in the repetition in subsequent capitularies of the penalties for refusing to accept it. But other evidence shows the currency succeeding nonetheless.<sup>62</sup> Values in all documents were expressed in monetary terms.<sup>63</sup> Even persistence of counterfeiters demonstrates that the new coinage had value. In addition, money was a convenient means of storing wealth, especially among the urban and merchant classes, whose worth was reckoned in monetary terms. Most importantly, however, a stable currency stimulates commercial activity, and it is surely no accident that the great economic expansion after 790 began at the same time as the introduction of the new coinage.

Perhaps the best illustration of the viability of Charlemagne's economic structure and administrative organization is the construction of his capital at Aachen.<sup>65</sup> The successes of the first half of Charlemagne's reign made the building of a new city not only possible but desirable. The decision seems to have been made after Charlemagne spent the winter of 788-89 at the royal villa of Aachen, where he "loved the vapors of the naturally warm waters...."<sup>66</sup> He may have taken his inspiration from Constantine, who built a "new Rome" at Constantinople; Carolingian poets also hailed Aachen as the "new Rome" or the "new Athens."<sup>67</sup>

Whatever the inspiration, the project was a model of



organization and efficiency and involved materials and labor from every corner of the realm. Local officials procured and transported to the site the raw materials necessary for the buildings - stone, timbers, metal, glass - and the work force - laborers and artisans.<sup>68</sup> Officials were probably already accustomed to being included in Charlemagne's building projects: Notker mentions that the "arches of the great bridge at Mainz bear witness to this, for all Europe, so to speak, labored together on this work in orderly fashion."<sup>69</sup> After informing the pope of his intentions, Charlemagne brought from Ravenna large columns and other articles such as mosaics.<sup>70</sup> Archaeological remains at Aachen show that stones came from several different parts of the kingdom.<sup>71</sup> Labor was drawn from royal estates and from estates of vassals as well as from monasteries. Whenever Charlemagne was in Aachen, he personally supervised the work, and, when not, he appointed capable overseers.<sup>72</sup> The success of this great effort is a monument to Charlemagne's organizational skill: within five years, he and his large entourage wintered in Aachen.<sup>73</sup>

## NOTES TO CHAPTER V

1. Geary, Furta Sacra, pp. 42-44.
2. Richard Hodges and David Whitehouse, Mohammed, Charlemagne and the Origins of Europe: Archaeology and the Pirenne Thesis (Ithaca, 1983; reprint ed., 1986), pp. 93, 95, 96-98.
3. Ibid., pp. 171-73.
4. Boussard, Civilization of Charlemagne, p. 60.
5. Duby, Rural Economy, pp. 46-47.
6. James Westfall Thompson, Economic and Social History of the Middle Ages, 2 vols. (New York, 1928; reprint ed., 1959), 1:203-6, describes the expansion of large land holdings and the consequent depression of large numbers of free men into the class of serfs. This problem concerned Charlemagne for two reasons: free men were liable for military service, and the army was thus deprived of potential manpower (see Chapter III, n. 50, concerning shared military obligation); and, no less important, Charlemagne's acute awareness of his responsibility toward the less fortunate members of society.
7. Hodges and Whitehouse, Mohammed, Charlemagne, p. 101.
8. Pierre Riché, Daily Life in the World of Charlemagne, trans. JoAnn McNamara (Philadelphia, 1978), p. 112.
9. Boussard, Civilization of Charlemagne, pp. 62, 64-65.
10. Philip Grierson, "Money and Coinage under Charlemagne," in Karl der Grosse: Lebenswerk und Nachleben, ed. Wolfgang Braunfels, 4 vols. (Düsseldorf, 1965), vol. 1: Persönlichkeit und Geschichte, ed. Helmut Beumann, pp. 534-35; Hodges and Whitehouse, Mohammed, Charlemagne, pp. 93-94; Riché, Daily Life, p. 126.
11. Boussard, Civilization of Charlemagne, pp. 64-65.
12. Duby, Rural Life, p. 46.
13. MGH Capitularia, no. 102, pp. 181-86. De Villis, of uncertain date, is a detailed document regarding the management of royal estates, and it has been suggested that it may represent ideal more than reality, although many of its dispositions were obviously carried out. On management of villas, see Thompson, Economic and Social History, 1:227-31; Boussard, Civilization of Charlemagne, pp. 57-59. For Charlemagne's agrarian policy and his acute interest in the minutiae of royal

fisc management, see Wolfgang Metz, "Die Agrarwirtschaft im karolingischen Reich," in Beumann, ed., Persönlichkeit und Geschichte, pp. 497-98. The text of the "brevium exempla" is in MGH Capitularia, no. 101, pp. 175-80.

14. Duby, Rural Life, p. 46.
15. Hodges and Whitehouse, Mohammed, Charlemagne, pp. 100, 171.
16. MGH Capitularia, no. 102, pp. 181-86; Boussard, Civilization of Charlemagne, pp. 90-91.
17. Ibid., pp. 65-66; Riché, Daily Life, pp. 114-15.
18. Ibid., pp. 114-16; also see P. H. Sawyer, "Kings and Merchants," in Sawyer and Wood, eds., Early Medieval Kingship, pp. 151-52; Hodges and Whitehouse, Mohammed, Charlemagne, pp. 92, 98-100, 108-9; Bullough, Age of Charlemagne, p. 192; Boussard, Civilization of Charlemagne, pp. 68-69.
19. MGH Diplomata Karolinorum, vol. 1, for charters of immunity.
20. MGH Capitularia, no. 71, pp. 131-35; also Riché, Daily Life, pp. 113, 115, 116.
21. Theodulf of Orleans, MGH Poetae Latini aevi Carolini, vol. 3 of Poetae Latini, 497.
22. MGH Capitularia, no. 71, pp. 131-35.
23. Boussard, Civilization of Charlemagne, p. 67.
24. MGH Capitularia, no. 71, pp. 131-35.
25. Riché, Daily Life, p. 120.
26. Ibid.; also MGH Capitularia, no. 34, pp. 71-75.
27. Ibid., no. 71, pp. 131-35.
28. For tolls, Ganshof, Frankish Institutions, pp. 43-44; Boussard, Civilization of Charlemagne, pp. 31-32.
29. MGH Capitularia, no. 71, pp. 131-35.
30. J. M. Wallace-Hadrill, "Charlemagne and England," in Beumann, ed., Persönlichkeit und Geschichte, pp. 693-98.
31. Ibid., p. 693, for England and the cloth trade; MGH Notkeri Balbuli, bk. 1, ch. 34, for the "short cloth" of the Frisians.



32. MGH Epistolae Karolini aevi, in Epistolae in Quarto, vol. 4, 100; Wallace-Hadrill, "Charlemagne and England," in Beumann, ed., Persönlichkeit und Geschichte, p. 692. Merchants' rights were granted on an ad hoc basis and easily retracted.

33. Hodges and Whitehouse, Mohammed, Charlemagne, p. 99. Dorestad is located in Frisia near the mouth of the Rhine; Quentovic is believed to have been located on the English Channel near the mouth of the Canche; Haithabu (Hedeby) was near the Danish border with Schleswig.

34. Ibid., pp. 100-1.

35. On Abbasid silver, *ibid.*, pp. 115-22.

36. Riché, Daily Life, p. 126.

37. MGH Annales et chronica, Annals, sub anni 808, 809, 810 and 811.

38. Hodges and Whitehouse, Mohammed, Charlemagne, p. 114.

39. Boussard, Civilization of Charlemagne, p. 62.

40. Hodges and Whitehouse, Mohammed, Charlemagne, pp. 104-6.

41. Kenneth John Conant, Carolingian and Romanesque Architecture 800-1200, 2nd ed. (Harmondsworth, 1966; reprint ed., 1979), pp. 43-55.

42. Ibid., pp. 55-59. Also, Lorna Price, The Plan of St. Gall in Brief (Berkeley, 1982), and Wolfgang Braunfels, Monasteries of Western Europe: The Architecture of the Orders, trans. A. Laing (Princeton, 1972), pp. 37-46.

43. Many scholars believe the plan was drawn up after the reforming synods of 816-18, which again called for universal application of the Benedictine Rule.

44. Hodges and Whitehouse, Mohammed, Charlemagne, p. 175.

45. Ibid., p. 106.

46. Lynn White, Jr., Medieval Technology and Social Change (Oxford, 1962; reprint ed., 1964), p. 69.

47. Ibid., pp. 69-76.

48. Trier, Stadtsbibliothek, MS 31, fol. 58r.

49. MGH Einhardi Vita Karoli Magni, ch. 29; White, Medieval Technology, pp. 69-70. Instructions for the implementation of the three-

field system are contained in De Villis, MGH Capitularia, no. 102, pp. 181-86.

50. Metz, "Agrarwirtschaft," in Beumann, ed., Persönlichkeit und Geschichte, p. 497.

51. David Herlihy, "Church Property on the European Continent 701-1200," Speculum 36 (1961):81-105.

52. Ganshof, Frankish Institutions, p. 43; Boussard, Civilization of Charlemagne, p. 32.

53. Admonitio Generalis, MGH Capitularia, no. 30, pp. 53-67.

54. Grierson, "Money and Coinage," in Beumann, ed., Persönlichkeit und Geschichte, p. 529. The modius (hogshead), for instance, increased in volume by 50%. The Capitulary of Frankfurt refers to the "public hogshead, newly established," in MGH Capitularia, no. 34, pp. 71-75.

55. Boussard, Civilization of Charlemagne, pp. 32-33.

56. Grierson, "Money and Coinage," in Beumann, ed., Persönlichkeit und Geschichte, p. 501. The shilling and pound were monies of account only.

57. Ibid., p. 529. Gold coins were replaced by silver ones in Italy as well. Capitulary of Mantua, MGH Capitularia, no. 23, pp. 40-42.

58. Grierson, "Money and Coinage," in Beumann, ed., Persönlichkeit und Geschichte, p. 529.

59. MGH Capitularia, no. 34, pp. 71-75.

60. Ibid., no. 71, pp. 131-35.

61. Grierson, "Money and Coinage," in Beumann, ed., Persönlichkeit und Geschichte, p. 535; Riché, Daily Life, p. 123.

62. There was commerce in money, apparently, for Charlemagne prohibited usury. See Riché, Daily Life, p. 126.

63. Grierson, "Money and Coinage," in Beumann, ed., Persönlichkeit und Geschichte, p. 535.

64. See n. 22 above.

65. For descriptions of the palace complex and chapel and their significance, see Wallace-Hadrill, Frankish Church, pp. 194-95, and

Walter Kaemmerer, "Die Aachener Pfalz Karls des Grossen in Anlage und Überlieferung," in Beumann, ed., Persönlichkeit und Geschichte, pp. 322-48. Also Sullivan, Aix-la-Chapelle, pp. 33-63.

66. MGH Einhardi Vita Karoli Magni, ch. 22.

67. Among others, the Paderborn Epic speaks of "Roma nova." See Wallace-Hadrill, Frankish Church, pp. 195, 197. In addition, Alcuin's letters contain numerous such allusions. Notker records these notions as well, MGH Notkeri Balbuli, bk. 1, ch. 2.

68. Sullivan, Aix-la-Chapelle, pp. 36-40.

69. MGH Notkeri Balbuli, bk. 1, ch. 30.

70. MGH Einhardi Vita Karoli Magni, ch. 26.

71. Sullivan, Aix-la-Chapelle, p. 38.

72. Ibid., p. 39.

73. Grierson, "Money and Coinage," in Beumann, ed., Persönlichkeit und Geschichte, p. 519, describes a coin of Charlemagne from the period 806-14 that depicts a temple on the obverse, believed to be a symbolic representation of the chapel at Aachen.



## EPILOGUE

### THE ONCE AND FUTURE KING

In the year 1510, Albrecht Dürer received a commission from the city of Nuremberg for two portraits to be hung in the chamber where the imperial regalia were displayed. One was to be of the Emperor Sigismund, who had entrusted the regalia to the city for safe-keeping in 1424, and the other was to be of Charlemagne, traditionally the first to have worn them. Sigismund Dürer represented from contemporary likenesses, but Charlemagne he painted simply as God the Father.

Dürer's homage to Charlemagne in the early sixteenth century scarcely represented a sudden reappraisal of an emperor whose shining hour lay buried beneath the weight of seven centuries. Nor were Charlemagne's accomplishments obscured by the passage of so great a period of time. Dürer's veneration of Charlemagne in 1510 was merely the most recent of many such portrayals, whether literary, as in the Chanson de Roland, or embedded in the iconography of medieval cathedrals. Of the latter, the most stunning are representations of Charlemagne in a window in Chartres, a window offering images of the great king bathed by the light of heaven itself, but light filtered through glass exquisitely colored by human art.<sup>1</sup> From within, the images of Charlemagne reflect the "stained glass perspective" of thirteenth century Europe, mute, if also intensely moving, testimony to the durability of Charlemagne's good reputation. Clearly, Charlemagne left behind an enduring legacy that would inspire subsequent centuries.

Indeed, by the end of the Middle Ages, Charlemagne had become

an ageless, hieratic figure, larger than life, champion of Christendom against all foes, warrior king whose conquests extended throughout the civilized world. Progenitor of both the German and French dynasties, he became the model for every medieval monarch that came after him - endlessly imitated, never equalled. Not for nothing was Charles called "the Great" in his own lifetime, nor was any other European monarch so deserving of that epithet. Is there then one factor that more than others explains the Charlemagne phenomenon?

Although the answer appears simplistic when set against the splendor of legend, nevertheless the most important factor that explains Charlemagne's success and his enduring reputation lies in his conception of kingship. His conception of kingship, in turn, is distinguished from that of his predecessors by an awareness that power implies responsibility. So much is evident in his every word and deed. The king's power comes directly from God and elevates him to a status above all others, but, by its very nature, such power is limited by the king's accountability to God for its proper exercise. Charlemagne came to be called Europae Pater not only because he was the first emperor in the medieval West, not only because he assured the survival of nothing less than western civilization itself, not only because his achievements were monumental by any standard, but because in a very human dimension, he saw himself as father to his people, with responsibility for their spiritual and physical well-being. The authority visited upon him by God simultaneously enjoined him to assume as his special concern the welfare of widows, orphans, the poor - all those least able to protect

themselves. (Had not Gregory said that care of the poor was not charity, but justice, and was not the meting out of justice the duty of the king?) Additionally, the supervision of the moral life of his people was part of his high office. Learning had a social purpose in this scheme of things, and the king was accountable here as well. All of these we see reflected in his reform program. There is great power on the one side, balanced on the other, in part by an intellectual awareness of responsibility, and in part also by a human element. As Wallace-Hadrill wrote of Charlemagne, far from being "separated from his people by the divine grace that he uniquely enjoys, he seems to draw much nearer to them."<sup>2</sup> And, once again, from Alcuin: Charlemagne is protector, teacher and example to his people, and his wise rule will result in peace and prosperity for the kingdom.

Such is the Charlemagne that inspired the legends: throughout the Middle Ages, whenever Europe faced a crisis, Charlemagne appeared in the guise of savior. His image was constantly resurrected and refurbished to fit new circumstances. Kenneth Clark observed of Charlemagne, that "the old notion that he saved civilization isn't so far wrong."<sup>3</sup> This he accomplished by the achievements of his lifetime and with his spirit thereafter - a spirit that lives on even in the twentieth century. The real rex quondam, rex futurus is Charlemagne.



## NOTES TO THE EPILOGUE

L. The Charlemagne window at Chartres Cathedral incorporates three cycles of legendary material: the Jerusalem Crusade, in which Charlemagne frees the Holy Land from the Saracens and receives relics from Constantine the Great; the Pseudo-Turpin Chronicle, which contains essentially the same material as the Chanson de Roland; and the Life of St. Giles, in which Charlemagne's sins are pardoned by God himself. The iconography of the window is discussed in Clark Maines, "The Charlemagne Window at Chartres Cathedral: New Considerations on Text and Image," *Speculum* 52 (1977):801-23.

2. Wallace-Hadrill, Early Germanic Kingship, p. 104.

3. Clark, Civilisation, p. 18.

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